

1 Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico,
2 Virginia, held in the Board Room of the County Administration Building in the Government Center
3 at Parham and Hungary Springs Roads, Beginning at 9:00 a.m. Wednesday, July 26, 2006.

4

5 Members Present: Mr. Tommy Branin, Vice Chairperson (Three Chopt)
6 Mrs. Bonnie-Leigh Jones (Tuckahoe)
7 Mr. E. Ray Jernigan, C.P.C. (Varina)
8 Mr. Ernest B. Vanarsdall, C.P.C. (Brookland)
9 Mrs. Patricia O'Bannon (Tuckahoe) Board of Supervisors
10 Representative
11 Mr. Randall R. Silber, Director of Planning, Secretary

12

13 Member Absent: Mr. C. W. Archer, C.P.C., Chairperson (Fairfield)

14

15 Others Present: Mr. David D. O'Kelly, Jr., Assistant Director of Planning
16 Ms. Leslie A. News, CLA, Principal Planner
17 Mr. James P. Strauss, CLA, County Planner
18 Mr. Kevin D. Wilhite, C.P.C., AICP, County Planner
19 Mr. E. J. (Ted) McGarry, III, County Planner
20 Mr. Michael F. Kennedy, County Planner
21 Ms. Christina L. Goggin, AICP, County Planner
22 Mr. Tony Greulich, C.P.C., County Planner
23 Mr. Greg Garrison, County Planner
24 Mr. Michael Jennings, Assistant Traffic Engineer
25 Ms. Diana B. Carver, Recording Secretary

26

27 **Mrs. Patricia S. O'Bannon, the Board of Supervisors Representative, abstains on all cases**
28 **unless otherwise noted.**

29

30 Mr. Branin - The Planning Commission will come to order. Good morning everyone.
31 I'll turn it over to our Secretary, Director of Planning, Mr. Randall Silber. Mr. Silber.

32

33 Mr. Silber - Thank you, Mr. Chairman, I appreciate that. Good morning, everyone.
34 Mr. Archer is absent but all of our other Commissioners are present this morning and we do have
35 a quorum. First on the agenda would be consideration of deferrals and withdrawals. I am not
36 aware of any withdrawals but there are several deferrals. Ms. News, can you walk us through
37 those please.

38

39 Ms. News - Yes, sir. Good morning, Mr. Secretary, members of the Commission. We
40 are aware of two requests for deferrals and no withdrawals this morning. The first is on page 30
41 of your agenda and is in the Varina District. The applicant is requesting a deferral to the
42 September 27, 2006 meeting.

43 **SUBDIVISION**

44

River Pointe Estates
(July 2006 Plan)

Kingsland and Deep Bottom
Roads

Bay Design Group, P.C. for Wilton Development Corporation: The 81-acre site proposed for a subdivision of 42 single-family homes is located on the east line of Deep Bottom Road approximately 650 feet south of Kingsland Road on parcels 827- 678-4054 and 827-678-6058. The zoning is A-1, Agricultural District. County water and sewer. **(Varina)**
42 Lots

45

46 Mr. Branin - Thank you, Ms. News. Is there anyone in the audience in opposition to the
47 deferral of subdivision River Pointe Estates (July 2006 Plan), in the Varina District? No
48 opposition. Mr. Jernigan.

49

50 Mr. Jernigan - Mr. Chairman, I move subdivision River Pointe Estates (July 2006 Plan),
51 be deferred until September 27, 2006, at the applicant's request.

52

53 Mr. Vanarsdall - Second.

54

55 Mr. Branin - The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall.
56 All in favor say aye...all opposed say nay. The motion carries.

57

58 At the request of the applicant, the Planning Commission deferred subdivision River Pointe
59 Estates (July 2006 Plan) to its September 27, 2006 meeting.

60

61 Ms. News - The next case is on page 34 of your agenda and is located in the Varina
62 District. The applicant is requesting a deferral to the September 27, 2006 meeting.

63

64 **PLAN OF DEVELOPMENT (Deferred from the June 28, 2006 Meeting)**

65

POD-34-06
Gillies Creek Recycling –
Office Area – Masonic Lane
And I-64

Engineering Design Associates for Gillies Creek Industrial Recycling: Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 6,000 square foot office/repair shop and two equipment sheds for an existing recycling center on the landfill property. The 3.57-acre site is located at 4200 Masonic Lane on parcel 806-719-8851. The zoning is M-2, General Industrial District. Individual well and septic tank/drainfield. **(Varina)**

66

67 Mr. Branin - Thank you, Ms. News. Is there anyone in the audience in opposition to the
68 deferral of POD-34-06, Gillies Creek Recycling Office Area, in the Varina District? No
69 opposition. Mr. Jernigan.

70 Mr. Jernigan - Mr. Chairman, I move POD-34-06, Gillies Creek Recycling Office Area,
71 be deferred until September 27, 2006, at the applicant's request.

72

73 Mr. Vanarsdall - Second.

74

75 Mr. Branin - The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall.
76 All in favor say aye...all opposed say nay. The motion carries.

77

78 At the request of the applicant, the Planning Commission deferred POD-34-06, Gillies Creek
79 Recycling Office Area to its September 27, 2006 meeting.

80

81 Ms. News - That's all staff has for the deferrals.

82

83 Mr. Silber - There are no other known deferrals at this time by the applicant. Are there
84 any by the Planning Commission members? Seeing none, next on the agenda would be our
85 Expedited Agenda. These are items that are placed on a special agenda due to the nature of the
86 case. The plans have been reviewed by the staff. Staff has no additional issues associated with
87 this. The applicant is agreeable to the conditions that have been placed on these plans and the
88 Planning Commissioner from the district has no outstanding issues, so, these are placed on an
89 agenda that does not require testimony or presentation by the applicant. If there is any
90 opposition on these plans, they will be pulled from the Expedited Agenda and heard in the order
91 which it is found on the full agenda. We have a good number of items on the Expedited Agenda
92 this morning. Ms. News.

93

94 Ms. News - Yes, sir. There are 8 items on the Expedited Agenda. The first item is on
95 found on page 4 of your agenda and is located in the Three Chopt District. This is a transfer of
96 approval for POD-53-82, formerly Signet Technology Building, VHDA. There is an addendum
97 item on page 1 indicating a revised date in the condition identifying the inspection report and
98 deficiencies to be corrected. Staff is recommending approval.

99

100 **TRANSFER OF APPROVAL**

101

POD-53-82
VHDA (Formerly Signet
Technology Building)
4224 Cox Road

**George Peterson for Susan F. Dewey and Virginia Housing
Development Authority (VHDA):** Request for transfer of
approval as required by Chapter 24, Section 24-106 of the
Henrico County Code from H.I.B., L.C. to Virginia Housing
Development Authority (VHDA). The 4.35-acre site is located
on the west line of Cox Road, approximately 950 feet north of
Innslake Drive on parcel 749-763-1305. The zoning is O-3C,
Office District (Conditional). County water and sewer. **(Three
Chopt)**

102

103 Mr. Branin - Is there anyone in the audience in opposition to the transfer of approval
104 request for POD-53-82, VHDA (Formerly Signet Technology Building), in the Three Chopt
105 District? No opposition. With that, I'd like to move for approval of the transfer of POD-53-82,
106 VHDA (Formerly Signet Technology Building), on the Expedited Agenda.

107

108 Mr. Jernigan - Second.

109

110 Mr. Branin - The motion was made by Mr. Branin and seconded by Mr. Jernigan. All
111 in favor say aye...all opposed say nay. The motion passes.

112

113 The Planning Commission approved the transfer of approval request for POD-53-82, VHDA
114 (Formerly Signet Technology Building), subject to the standard and added conditions previously
115 approved and the following additional condition:

116

117 1. The site deficiencies, as identified in the inspection report, dated **February 1, 2006** shall be
118 corrected by **October 21, 2006** or a bond shall be posted to cover this work.

119

120 Ms. News - Next, on page 11 of your agenda and located in the Fairfield District is
121 POD-36-06, Trinity Baptist Church (POD-98-98 Expired). There is an addendum item on page
122 two of the addendum which revises condition No. 39. It adds some additional wording to that
123 condition addressing the maintenance of the existing gravel areas, and staff is recommending
124 approval.

125

126 **PLAN OF DEVELOPMENT**

127

POD-36-06

Trinity Baptist Church –
3601 Dill Road
(POD-98-98 Expired)

**Balzer & Associates, Inc. for Trinity Baptist Church and
Haley Builders:** Request for approval of a plan of
development, as required by Chapter 24, Section 24-106 of the
Henrico County Code, to construct a two-story, 17,322 square
foot sanctuary/multi-use church building. The 12.10-acre site
is located at the southwest corner of Dill Road and Barrington
Road on parcel 799-733-1982. The zoning is M-2, General
Industrial District and R-4, One-Family Residence District and
ASO (Airport Safety Overlay) District. County water and
sewer. **(Fairfield)**

128

129 Mr. Branin - Is there anyone in the audience in opposition to POD-36-06, Trinity
130 Baptist Church, in the Fairfield District? No opposition.

131

132 Mr. Vanarsdall - All right, with that, Mr. Chairman, I recommend approval of POD-36-06,
133 Trinity Baptist Church, with the annotations on the plans, the standard conditions for
134 developments of this type and the following additional conditions Nos. 9 and 11 amended and
135 Nos. 24 through 39, and on the addendum No. 39 has been revised.

136

137 Mr. Jernigan - Second.

July 26, 2006

138 Mr. Branin - The motion was made by Mr. Vanarsdall and seconded by Mr. Jernigan.
139 All in favor say aye...all opposed say nay. The motion passes.

140

141 The Planning Commission approved POD-36-06, Trinity Baptist Church (POD-98-98 Expired)
142 subject to the standard conditions attached to these minutes for developments of this type, the
143 annotations on the plans and the following additional conditions:

144

145 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department of
146 Planning for review and Planning Commission approval prior to the issuance of any
147 occupancy permits.

148 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including
149 depictions of light spread and intensity diagrams, and fixture and specifications and
150 mounting height details shall be submitted for Department of Planning review and
151 Planning Commission approval.

152 24. The right-of-way for widening of Dill Road as shown on approved plans shall be
153 dedicated to the County prior to any occupancy permits being issued. The right-of-way
154 dedication plat and any other required information shall be submitted to the County
155 Real Property Agent at least sixty (60) days prior to requesting occupancy permits.

156 25. The easements for drainage and utilities as shown on approved plans shall be granted to
157 the County in a form acceptable to the County Attorney prior to any occupancy permits
158 being issued. The easement plats and any other required information shall be submitted
159 to the County Real Property Agent at least sixty (60) days prior to requesting
160 occupancy permits.

161 26. The limits and elevations of the 100-year frequency flood shall be conspicuously noted
162 on the plan "Limits of 100 Year Floodplain." In addition, the delineated 100-year
163 floodplain must be labeled "Variable Width Drainage and Utility Easement." The
164 easement shall be granted to the County prior to the issuance of any occupancy permits.

165 27. The developer shall provide fire hydrants as required by the Department of Public
166 Utilities and Division of Fire.

167 28. A standard concrete sidewalk shall be provided along the south side of Dill Road.

168 29. Outside storage shall not be permitted.

169 30. Any necessary off-site drainage and/or water and sewer easements must be obtained in
170 a form acceptable to the County Attorney prior to final approval of the construction
171 plans.

172 31. Deviations from County standards for pavement, curb or curb and gutter design shall be
173 approved by the County Engineer prior to final approval of the construction plans by
174 the Department of Public Works.

175 32. Insurance Services Office (ISO) calculations must be included with the plans and
176 contracts and must be approved by the Department of Public Utilities prior to the
177 issuance of a building permit.

178 33. Approval of the construction plans by the Department of Public Works does not establish
179 the curb and gutter elevations along the Henrico County maintained right-of-way. The
180 elevations will be set by Henrico County.

- 181 34. The conceptual master plan, as submitted with this application, is for planning and
 182 information purposes only.
- 183 35. The location of all existing and proposed utility and mechanical equipment (including
 184 HVAC units, electric meters, junction and accessory boxes, transformers, and
 185 generators) shall be identified on the landscape plans. All equipment shall be screened
 186 by such measures as determined appropriate by the Director of Planning or the
 187 Planning Commission at the time of plan approval.
- 188 36. One hundred and sixty (160) feet of fence shall be installed adjacent to the stormwater
 189 management facility and in the front yard from the existing fence to Barrington Road.
 190 The final location and details for the additional fencing shall be determined with the
 191 landscape plan.
- 192 37. Construction activities shall be limited to the hours of 7:00 a.m. to 10:00 p.m.,
 193 Monday through Saturday for exterior work, and for interior work which produces
 194 noise auditable beyond the property lines. No exterior work shall occur on Sunday.
 195 No interior construction work which is audible beyond the property lines shall occur on
 196 Sunday.
- 197 38. Except for junction boxes, meters, and existing overhead utility lines, and for technical
 198 or environmental reasons, all utility lines shall be underground.
- 199 39. The existing gravel parking areas shall be paved before being used for any church
 200 activities or with construction of the future sanctuary facility. The gravel areas shall be
 201 continuously maintained and shall be void of standing water.

202
 203 Ms. News - Next on page 21 of your agenda and located in the Three Chopt District is
 204 POD-45-06, Bellingham, at Hickory Park Drive and Nuckols Road.

205
 206 **PLAN OF DEVELOPMENT**

207
 208
 209 **POD-45-06** **Youngblood, Tyler & Associates, P.C. for HHHunt**
 210 **Bellingham – Hickory Park Corporation:** Request for approval of a plan of development as
 211 **Drive and Nuckols Road** required by Chapter 24, Section 24-106 of the Henrico County
 Code, to construct 59, two-story age restricted condominium
 units. The 15.66-acre site is located at the southeast corner of
 the intersection of Hickory Bend Drive and Hickory Park Drive
 on part of parcel 747-771-2430. The zoning is RTHC,
 Residential Townhouse District (Conditional). County water
 and sewer.
(Three Chopt)

212
 213 Mr. Branin - Is there anyone in the audience in opposition to POD-45-06, Bellingham,
 214 in the Three Chopt District? No opposition. With that I would like to make a motion that POD-
 215 45-06, Bellingham, be approved on the Expedited Agenda.

216 Mrs. Jones - Second.

217 Mr. Branin - The motion was made by Mr. Branin and seconded by Mrs. Jones. All

216 those in favor say aye...all opposed say nay. The motion passes.

217 The Planning Commission approved POD-45-06, Bellingham, subject to the standard conditions
218 attached to these minutes for developments of this type, the annotations on the plans and the
219 following additional conditions:

220

221 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department of
222 Planning for review and Planning Commission approval prior to the issuance of any
223 occupancy permits.

224 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including
225 depictions of light spread and intensity diagrams, and fixture and specifications and
226 mounting height details shall be submitted for Department of Planning review and
227 Planning Commission approval.

228 24. The unit house numbers shall be visible from the parking areas and drives.

229 25. The names of streets, drives, courts and parking areas shall be approved by the Richmond
230 Regional Planning District Commission and such names shall be included on the
231 construction plans prior to their approval. The standard street name signs shall be
232 ordered from the County and installed prior to any occupancy permit approval.

233 26. The easements for drainage and utilities as shown on approved plans shall be granted to
234 the County in a form acceptable to the County Attorney prior to any occupancy permits
235 being issued. The easement plats and any other required information shall be submitted
236 to the County Real Property Agent at least sixty (60) days prior to requesting
237 occupancy permits.

238 27. The limits and elevations of the 100-year frequency flood shall be conspicuously noted
239 on the plan "Limits of 100 Year Floodplain." In addition, the delineated 100-year
240 floodplain must be labeled "Variable Width Drainage and Utility Easement." The
241 easement shall be granted to the County prior to the issuance of any occupancy permits.

242 28. The developer shall provide fire hydrants as required by the Department of Public
243 Utilities and Division of Fire.

244 29. Prior to issuance of a certificate of occupancy for any building in this development, the
245 engineer of record shall certify that the site has been graded in accordance with the
246 approved grading plans.

247 30. The proffers approved as a part of zoning case C-72-05 shall be incorporated in this
248 approval.

249 31. Any necessary off-site drainage and/or water and sewer easements must be obtained in
250 a form acceptable to the County Attorney prior to final approval of the construction
251 plans.

252 32. Deviations from County standards for pavement, curb or curb and gutter design shall be
253 approved by the County Engineer prior to final approval of the construction plans by
254 the Department of Public Works.

255 33. The pavement shall be of an SM-2A type and shall be constructed in accordance with
256 County standard and specifications. The developer shall post a defect bond for all
257 pavement with the Department of Planning - the exact type, amount and implementation
258 shall be determined by the Director of Planning, to protect the interest of the members
259 of the Homeowners Association. The bond shall become effective as of the date that
260 the Homeowners Association assumes responsibility for the common areas. Prior to the

- 261 issuance of the last Certificate of Occupancy, a professional engineer must certify that
 262 the roads have been designed and constructed in accordance with County standards.
 263 34. Insurance Services Office (ISO) calculations must be included with the plans and
 264 contracts and must be approved by the Department of Public Utilities prior to the
 265 issuance of a building permit.
 266 35. Approval of the construction plans by the Department of Public Works does not
 267 establish the curb and gutter elevations along the Henrico County maintained right-of-
 268 way. The elevations will be set by Henrico County.
 269 36. The location of all existing and proposed utility and mechanical equipment (including
 270 HVAC units, electric meters, junction and accessory boxes, transformers, and
 271 generators) shall be identified on the landscape plans. All equipment shall be screened
 272 by such measures as determined appropriate by the Director of Planning or the
 273 Planning Commission at the time of plan approval.
 274 37. A note in bold lettering shall be provided on the erosion control plan indicating that
 275 sediment basins or traps located within buildable areas or building pads shall be
 276 reclaimed with engineered fill. All materials shall be deposited and compacted in
 277 accordance with the applicable sections of the state building code and geotechnical
 278 guidelines established by the engineer. An engineer's report certifying the suitability of
 279 the fill materials and its compaction shall be submitted for review and approval by the
 280 Director of Planning and Director of Public Works and the Building Official prior to
 281 the issuance of any building permit(s) on the affected sites.

282
 283 Ms. News - Next on page 23 of your agenda and located in the Three Chopt District
 284 is POD-57-05. This is a reconsideration of The Villas @ Grey Oaks increasing the number of
 285 condominiums from 84 to 85.

286
 287 **RECONSIDERATION OF A PLAN OF DEVELOPMENT**
 288

POD-57-05
 The Villas @ Grey Oaks
 Grey Oaks Park Drive

Youngblood, Tyler & Associates, P.C. for Shady Grove Company, Inc. and Loftis Real Estate & Development, Inc.:
 Request for reconsideration of a plan of development for approval to increase the number of condominium units from 84 to 85, as required by Chapter 24, Section 24-106 of the Henrico County Code. The original approval was for construction of 84, 3,000 square foot, two-story condominium units. The 24.22-acre site is located on the south side of Grey Oaks Park Drive, approximately 0.2 miles east of Pouncey Tract Road on parcel 738-772-9227. The zoning is RTHC, Residential Townhouse District (Conditional). County water and sewer. **(Three Chopt)**

289
 290 Mr. Branin - Is there anyone in the audience in opposition to the reconsideration of
 291 POD-57-05, The Villas @ Grey Oaks, in the Three Chopt District? No opposition. With that I
 292 would like to make a motion that POD-57-05, The Villas @ Grey Oaks, be approved on the
 293 Expedited Agenda.

294

295 Mr. Vanarsdall - Second.

296

297 Mr. Branin - The motion was made by Mr. Branin and seconded by Mr. Vanarsdall.

298 All those in favor say aye...all opposed say nay. The motion passes.

299

300 The Planning Commission approved POD-57-05, The Villas @ Grey Oaks, subject to the
301 standard conditions attached to these minutes for developments of this type, the annotations on
302 the plans and the following additional conditions:

303

304 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department of
305 Planning for review and Planning Commission approval prior to the issuance of any
306 occupancy permits.

307 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including
308 depictions of light spread and intensity diagrams, and fixture and specifications and
309 mounting height details shall be submitted for Department of Planning review and
310 Planning Commission approval.

311 24. The unit house numbers shall be visible from the parking areas and drives.

312 25. The names of streets, drives, courts and parking areas shall be approved by the Richmond
313 Regional Planning District Commission and such names shall be included on the
314 construction plans prior to their approval. The standard street name signs shall be
315 ordered from the County and installed prior to any occupancy permit approval.

316 26. The easements for drainage and utilities as shown on approved plans shall be granted to
317 the County in a form acceptable to the County Attorney prior to any occupancy permits
318 being issued. The easement plats and any other required information shall be submitted
319 to the County Real Property Agent at least sixty (60) days prior to requesting
320 occupancy permits.

321 27. The limits and elevations of the 100-year frequency flood shall be conspicuously noted
322 on the plan "Limits of 100 Year Floodplain." In addition, the delineated 100-year
323 floodplain must be labeled "Variable Width Drainage and Utility Easement." The
324 easement shall be granted to the County prior to the issuance of any occupancy permits.

325 28. The developer shall provide fire hydrants as required by the Department of Public
326 Utilities and Division of Fire.

327 29. Prior to issuance of a certificate of occupancy for any building in this development, the
328 engineer of record shall certify that the site has been graded in accordance with the
329 approved grading plans.

330 30. The proffers approved as a part of zoning cases C-16C-03 and C-4C-05 shall be
331 incorporated in this approval.

332 31. Any necessary off-site drainage and/or water and sewer easements must be obtained in
333 a form acceptable to the County Attorney prior to final approval of the construction
334 plans.

335 32. Deviations from County standards for pavement, curb or curb and gutter design shall be
336 approved by the County Engineer prior to final approval of the construction plans by
337 the Department of Public Works.

- 338 33. The pavement shall be of an SM-2A type and shall be constructed in accordance with
 339 County standard and specifications. The developer shall post a defect bond for all
 340 pavement with the Department of Planning - the exact type, amount and implementation
 341 shall be determined by the Director of Planning, to protect the interest of the members
 342 of the Homeowners Association. The bond shall become effective as of the date that
 343 the Homeowners Association assumes responsibility for the common areas. Prior to the
 344 issuance of the last Certificate of Occupancy, a professional engineer must certify that
 345 the roads have been designed and constructed in accordance with County standards.
- 346 34. Insurance Services Office (ISO) calculations must be included with the plans and
 347 contracts and must be approved by the Department of Public Utilities prior to the
 348 issuance of a building permit.
- 349 35. Approval of the construction plans by the Department of Public Works does not
 350 establish the curb and gutter elevations along the Henrico County maintained right-of-
 351 way. The elevations will be set by Henrico County.
- 352 36. The location of all existing and proposed utility and mechanical equipment (including
 353 HVAC units, electric meters, junction and accessory boxes, transformers, and
 354 generators) shall be identified on the landscape plans. All equipment shall be screened
 355 by such measures as determined appropriate by the Director of Planning or the
 356 Planning Commission at the time of plan approval.
- 357 37. A note in bold lettering shall be provided on the erosion control plan indicating that
 358 sediment basins or traps located within buildable areas or building pads shall be
 359 reclaimed with engineered fill. All materials shall be deposited and compacted in
 360 accordance with the applicable sections of the state building code and geotechnical
 361 guidelines established by the engineer. An engineer's report certifying the suitability
 362 of the fill materials and its compaction shall be submitted for review and approval by
 363 the Director of Planning and Director of Public Works and the Building Official prior
 364 to the issuance of any building permit(s) on the affected sites.

366 Ms. News - The next item, on page 25 of your agenda and located in the Brookland
 367 District, is POD-47-06 (Formerly POD-77-77) CVS at Willow Lawn Center, and staff
 368 recommends approval.

369

370 **PLAN OF DEVELOPMENT**

371

| | |
|---|---|
| POD-47-06 CVS – Willow Lawn Center – Willow Lawn and W. Broad Street (Formerly POD-77-77) | Kimley-Horn & Associates, Inc. for Rebkee Partners Powhatan, LLC: Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a shopping center consisting of a one-story, 12,900 square foot pharmacy and a two-story, 35,800 square foot office/retail building. The 3.44-acre site is located at the northwest corner of the intersection of W. Broad Street (U. S. Route 250) and Willow Lawn Drive on parcel 773-737- 3077. The zoning is B-2, Business District. County water and sewer. (Brookland) |
|---|---|

372

373

374 Mr. Branin - Is there anyone in the audience in opposition to POD-47-06, CVS –
375 Willow Lawn Center, in the Brookland District? No opposition.

376 Mr. Vanarsdall - With that, I move POD-47-06, CVS, be approved on the Expedited
377 Agenda with the annotations on the plans, the standard conditions for developments of this type
378 and the following additional conditions, Nos. 9 and 11 amended and Nos. 24 through 40.

379

380 Mrs. Jones - Second.

381

382 Mr. Branin - The motion was made by Mr. Vanarsdall and seconded by Mrs. Jones. All
383 those in favor say aye...all opposed say nay. The motion passes.

384

385 The Planning Commission approved POD-47-06 (Formerly POD-77-77), CVS – Willow Lawn
386 Center, subject to the standard conditions attached to these minutes for developments of this
387 type, the annotations on the plans and the following additional conditions:

388

389 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department of
390 Planning for review and Planning Commission approval prior to the issuance of any
391 occupancy permits.

392 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including
393 depictions of light spread and intensity diagrams, and fixture and specifications and
394 mounting height details shall be submitted for Department of Planning review and
395 Planning Commission approval.

396 24. Only retail business establishments permitted in a B-2 zone may be located in this center.

397 25. The ground area covered by all the buildings shall not exceed in the aggregate 25 percent
398 of the total site area.

399 26. No merchandise shall be displayed or stored outside of the building(s) or on sidewalk(s).

400 27. The right-of-way for widening of Willow Lawn Drive as shown on approved plans shall
401 be dedicated to the County prior to any occupancy permits being issued. The right-of-
402 way dedication plat and any other required information shall be submitted to the County
403 Real Property Agent at least sixty (60) days prior to requesting occupancy permits.

404 28. The easements for drainage and utilities as shown on approved plans shall be granted to
405 the County in a form acceptable to the County Attorney prior to any occupancy permits
406 being issued. The easement plats and any other required information shall be submitted
407 to the County Real Property Agent at least sixty (60) days prior to requesting occupancy
408 permits.

409 29. The entrances and drainage facilities on W. Broad Street (U.S. Route 250) shall be
410 approved by the Virginia Department of Transportation and the County.

411 30. A notice of completion form, certifying that the requirements of the Virginia Department
412 of Transportation entrances permit have been completed, shall be submitted to the
413 Department of Planning prior to any occupancy permits being issued.

414 31. The developer shall provide fire hydrants as required by the Department of Public
415 Utilities and Division of Fire.

416 32. Outside storage shall not be permitted.

417 33. Deviations from County standards for pavement, curb or curb and gutter design shall be
418 approved by the County Engineer prior to final approval of the construction plans by the
419 Department of Public Works.

420 34. The loading areas shall be subject to the requirements of Chapter 24, Section 24-97(b) of

- 421 the Henrico County Code.
- 422 35. In the event of any traffic backup which blocks the public right-of-way as a result of
 423 congestion caused by the drive-up facilities, the owner/occupant shall close the drive-up
 424 facilities until a solution can be designed to prevent traffic backup.
- 425 36. Insurance Services Office (ISO) calculations must be included with the plans and
 426 contracts and must be approved by the Department of Public Utilities prior to the
 427 issuance of a building permit.
- 428 37. Approval of the construction plans by the Department of Public Works does not establish
 429 the curb and gutter elevations along the Henrico County maintained right-of-way. The
 430 elevations will be set by Henrico County.
- 431 38. Approval of the construction plans by the Department of Public Works does not establish the
 432 curb and gutter elevations along the Virginia Department of Transportation maintained right-
 433 of-way. The elevations will be set by the contractor and approved by the Virginia
 434 Department of Transportation.
- 435 39. The location of all existing and proposed utility and mechanical equipment (including
 436 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)
 437 shall be identified on the landscape plans. All equipment shall be screened by such measures
 438 as determined appropriate by the Director of Planning or the Planning Commission at the
 439 time of plan approval.
- 440 40. Except for junction boxes, meters, and existing overhead utility lines, and for technical or
 441 environmental reasons, all utility lines shall be underground.

442

443 Ms. News - Next on page 27 of your agenda and located in the Varina District is
 444 POD-48-06, Midview Child Center (POD-32-04 Expired). There is an addendum item on
 445 page 3 of your addendum that indicates that the revised plan providing right-of-way dedication
 446 has been received and is acceptable. It is actually in your agenda, and staff can recommend
 447 approval of this POD.

448

449 **PLAN OF DEVELOPMENT**

450

| | |
|---|--|
| POD-48-06 Midview Child Center – Midview Road and New Market Road (POD-32-04 Expired) | Bay Design Group, P.C. for Reginald H. Webb and Midview Child Development Center, LLC: Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a 9,441 square foot day care facility with associated parking. The 1.67-acre site is located on the southeast corner of the intersection of New Market Road (State Route 5) and Midview Road on parcel 803-701-3978. The zoning is B-1C, Business District (Conditional). County water and sewer. (Varina) |
|---|--|

451

452 Mr. Branin - Is there anyone in the audience opposed to POD-48-06, Midview Child
 453 Center, in the Varina District. No opposition. Mr. Jernigan.

454

455 Mr. Jernigan - Mr. Chairman, with that, I will move for approval of POD-48-06,
 456 Midview Child Center, subject to the conditions for developments of this type and the

457 following additional conditions Nos. 24 through 36 and staff's recommendation on the
458 addendum.

459

460 Mr. Vanarsdall - Second.

461

462 Mr. Branin - The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall.

463 All in favor say aye...all opposed say nay. The motion passes.

464

465 The Planning Commission approved POD-48-06, Midview Child Center (POD-32-04 Expired)
466 subject to the standard conditions attached to these minutes for developments of this type, the
467 annotations on the plans and the following additional conditions:

468

469 24. The easements for drainage and utilities as shown on approved plans shall be granted to
470 the County in a form acceptable to the County Attorney prior to any occupancy permits
471 being issued. The easement plats and any other required information shall be submitted
472 to the County Real Property Agent at least sixty (60) days prior to requesting
473 occupancy permits.

474 25. The entrances and drainage facilities on New Market Road (State Route 5) shall be
475 approved by the Virginia Department of Transportation and the County.

476 26. A notice of completion form, certifying that the requirements of the Virginia
477 Department of Transportation entrances permit have been completed, shall be submitted
478 to the Department of Planning prior to any occupancy permits being issued.

479 27. The developer shall provide fire hydrants as required by the Department of Public
480 Utilities and Division of Fire.

481 28. A standard concrete sidewalk shall be provided along the east side of New Market
482 Road.

483 29. The proffers approved as a part of zoning case C-34C-03 shall be incorporated in this
484 approval.

485 30. Prior to issuance of a building permit, the developer must furnish a letter from
486 **Dominion Virginia Power** stating that this proposed development does not conflict
487 with their facilities.

488 31. Any necessary off-site drainage and/or water and sewer easements must be obtained in
489 a form acceptable to the County Attorney prior to final approval of the construction
490 plans.

491 32. Deviations from County standards for pavement, curb or curb and gutter design shall be
492 approved by the County Engineer prior to final approval of the construction plans by
493 the Department of Public Works.

494 33. Insurance Services Office (ISO) calculations must be included with the plans and
495 contracts and must be approved by the Department of Public Utilities prior to the
496 issuance of a building permit.

497 34. Approval of the construction plans by the Department of Public Works does not
498 establish the curb and gutter elevations along the Virginia Department of Transportation
499 maintained right-of-way. The elevations will be set by the contractor and approved by
500 the Virginia Department of Transportation.

- 501 35. The location of all existing and proposed utility and mechanical equipment (including
502 HVAC units, electric meters, junction and accessory boxes, transformers, and
503 generators) shall be identified on the landscape plans. All equipment shall be screened
504 by such measures as determined appropriate by the Director of Planning or the
505 Planning Commission at the time of plan approval.
- 506 36. Except for junction boxes, meters, and existing overhead utility lines, and for technical or
507 environmental reasons, all utility lines shall be underground.

508
509 Ms. News - The next item is on page 35 of your agenda and it is located in the Varina
510 District, subdivision Prosperity Estates (July 2006 Plan) for 19 lots. Staff is recommending
511 approval.

512

513 **SUBDIVISION**

514

Prosperity Estates

(July 2006 Plan)

4951 Darbytown Road

Engineering Design Associates for Daphne S. Ratcliffe, and

Robert T. & Armendam Royster: The 28.54-acre site

proposed for a subdivision of 19 single-family homes is located on the south line of Darbytown Road, approximately 200 feet east of Gill Dale Road on parcels 839-688-6677 and 839-688-5194. The zoning is A-1, Agricultural District. Individual well and septic tank/drainfield. **(Varina) 19 Lots**

515

516 Mr. Branin - Is there anyone in the audience opposed to subdivision Prosperity Estates
517 in the Varina District? No opposition. Mr. Jernigan.

518

519 Mr. Jernigan - Mr. Chairman, with that, I will move for approval of subdivision
520 Prosperity Estates (July 2006 Plan), subject to the annotations on the plans, the standard
521 conditions for subdivisions not served by public utilities and the following additional conditions
522 Nos. 11 through 15.

523

524 Mr. Vanarsdall - Second.

525

526 Mr. Branin - The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall.
527 All in favor say aye...all opposed say nay. The motion passes.

528

529 The Planning Commission granted conditional approval to subdivision Prosperity Estates (July
530 2006 Plan) subject to the standard conditions attached to these minutes for subdivisions not
531 served by public utilities, the annotations on the plans, and the following additional conditions:

532

533 11. The detailed plant list and specifications for the landscaping to be provided within the 25-
534 foot-wide planting strip easement along Darbytown Road shall be submitted to the
535 Department of Planning for review and approval prior to recordation of the plat.

536 12. A plan shall be submitted prior to recordation of the plat showing the buildable area for
537 each lot to properly recognize the limitations for dwelling unit dimensions and setbacks.

538 Buildable area is that area within which a dwelling unit may legally be located considering

539 the front yard, side yard, and rear yard setback requirements of Chapter 24, of the
540 Henrico County Code.

541 13. Any necessary offsite drainage easements must be obtained prior to approval of the
542 construction plan by the Department of Public Works.

543 14. Any future building lot containing a BMP, sediment basin or trap and located within the
544 buildable area for a principal structure or accessory structure, may be developed with
545 engineered fill. All material shall be deposited and compacted in accordance with the
546 Virginia Uniform Statewide Building Code and geotechnical guidelines established by a
547 professional engineer. A detailed engineering report shall be submitted for the review
548 and approval by the Building Official prior to the issuance of a building permit on the
549 affected lot. A copy of the report and recommendations shall be furnished to the
550 Directors of Planning and Public Works.

551 15. Documentation shall be provided from the Health Department approving the vacation of
552 the existing drainfield easement shown on lots 14 and 15 prior to construction plan
553 approval.

554
555 Ms. News - The final item is on page 36 of your agenda and located in the Three
556 Chopt District, subdivision Morgan Run (July 2006 Plan) for 3 lots. There is an addendum item
557 on page 6 indicating that the revised plan has been provided showing a new layout with the
558 revised right-of-way dedication. There is a revised condition changing the recommended planting
559 strip to 25 feet instead of 20 feet and a revised recommendation for approval.

560

561 **SUBDIVISION**

562

Morgan Run
(July 2006 Plan)
3110 Church Road

Foster & Miller, P.C. for David E. & Roma W. Hudgins:
The 1.725-acre site proposed for a subdivision of 3 single-
family homes is located at the northwest corner of Church
Road and Morgan Run Road on parcel 746-756-0664. The
zoning is R-3AC, One-Family Residence District (Conditional).
County water and sewer. **(Three Chopt) 3 Lots**

563

564 Mr. Branin - Is there anyone in the audience opposed to subdivision Morgan Run in the
565 Three Chopt District? No opposition. With that, I would like to make a motion that Morgan
566 Run (July 2006 Plan) be approved on the Expedited Agenda with, all revisions noted and the
567 annotations to the plans.

568

569 Mr. Vanarsdall - Second.

570

571 Mr. Branin - The motion was made by Mr. Branin and seconded by Mr. Vanarsdall.
572 All in favor say aye...all opposed say nay. The motion passes.

573

574 The Planning Commission granted conditional approval to subdivision Morgan Run (July 2006
575 Plan) subject to the standard conditions attached to these minutes for subdivisions served by
576 public utilities, the annotations on the plans, and the following additional conditions:

577

- 578 12. The plan must be redesigned to provide at least the 80 foot minimum lot width required and
 579 as regulated by Chapter 24, of the Henrico County Code.
- 580 13. The detailed plant list and specifications for the landscaping to be provided within the 25-
 581 foot-wide planting strip easement along Lot No. 2 on Church Road shall be submitted to
 582 the Department of Planning for review and approval prior to recordation of the plat.
- 583 14. A plan shall be submitted prior to recordation of the plat showing the buildable area for
 584 each lot to properly recognize the limitations for dwelling unit dimensions and setbacks.
 585 Buildable area is that area within which a dwelling unit may legally be located considering
 586 the front yard, side yard, and rear yard setback requirements of Chapter 24, of the
 587 Henrico County Code.
- 588 15. The proffers approved as part of zoning case C-12C-90 shall be incorporated in this
 589 approval.

590
 591 Ms. News - Those are all that we have on the Expedited Agenda.

592
 593 Mr. Silber - Okay. Next on the agenda would be consideration of extensions of
 594 conditional subdivision approvals. What's on the agenda today are simply for informational
 595 purposes. This does not require any action by the Planning Commission. I bring your attention
 596 to the addendum which indicates that two of the three are not up for extension for various
 597 reasons, those being Fisher's Woods and Turner Forest. These are not being provided for your
 598 information of extension of conditional approval, but Trivett Woods (May 2002 Plan) is, and
 599 that's in the Fairfield District and involves 8 lots and has had 3 previous extensions.

600
 601 **SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL**
 602
 603 **FOR INFORMATIONAL PURPOSES ONLY**
 604

| Subdivision | Magisterial District | Original No. of Lots | Remaining Lots | Previous Extensions | Year(s) Extended Recommended |
|--|-----------------------------|-----------------------------|-----------------------|----------------------------|-------------------------------------|
| Fisher's Woods (July 2005 Plan) | Varina | 15 | 15 | 0 | 1 Year 7/25/07 |
| Trivett Woods (May 2002 Plan) | Fairfield | 8 | 8 | 3 | 1 Year 7/25/07 |
| Turner Forest (July 2004 Plan) | Varina | 62 | 62 | 1 | 1 Year 7/25/07 |

605
 606 Mr. Silber - Mr. McGarry, is there anything to add regarding Trivett Woods?

607
 608 Mr. McGarry - No. You have covered everything well.

609
 610 Mr. Silber - Are there any questions by the Commission on the subdivision extensions
 611 of conditional approval? Hearing none, we will move on to the agenda to page 2.

612 **TRANSFER OF APPROVAL**

613

POD-41-05 **David Durant for Unicorn Holdings LLC:** Request for
Brook Run Shopping Center - transfer of approval as required by Chapter 24, Section 24-106
Parcel 6 – 6020 Brook Road of the Henrico County Code from Tetra Group Three LLC to
Unicorn Holdings LLC. The 1.787-acre site is located on the
west line of Brook Road approximately 1,700 feet north of
Brook River Drive, in the Brook Run Shopping Center on
parcel 784-748-8296. The zoning is B-3C, Business District
(Conditional). County water and sewer. **(Fairfield)**

614

615 Mr. Branin - Is there anyone in the audience in opposition to the transfer of approval
616 request for POD-41-05, Brook Run Shopping Center, in the Fairfield District? No opposition.
617 Mr. Kennedy.

618

619 Mr. Kennedy - The subject site is under construction and a certificate of occupancy has
620 been issued at this time. The new owner will be responsible for satisfaction of all conditions in
621 order to obtain a certificate of occupancy. The owner has agreed to and accepts the conditions
622 for compliance that were originally approved and staff can recommend approval. There is some
623 opposition from an adjoining property owner. That property owner has to authorize cross
624 easements for this property and also requires cross-easements for his property. The two parties
625 have not sat down to agree to those cross easements that are necessary and so there is some
626 opposition. As far as this site is concerned, they need a transitional buffer easement on the
627 adjoining property and they also need access easements and sewer easements. The other
628 property requires access easements and emergency access easements. Staff was not a party to
629 that discussion or the disagreement, but some agreement will have to be obtained before they can
630 get a CO. This property does require the easements. The owner is on notice now and the new
631 owner is on notice that no temporary or full CO will be issued until the required easements have
632 been recorded and produced.

633

634 Mr. Silber - So we can recommend approval.

635

636 Mr. Kennedy - Yes, we can recommend approval at this time. I'm not sure if either of the
637 attorneys wishes to speak.

638

639 Mr. Vanarsdall - Mr. Chairman, we do have someone here, as Mike pointed out, that's
640 concerned with this case but is not necessarily in opposition of this approval this morning. He
641 may want to say something and Chuck Rothenberg and feel free to speak.

642

643 Mr. Rothenberg - Thank you, sir. Mr. Chairman, members of the Commission, my name is
644 Chuck Rothenberg and I am here today on behalf of Brook Run Sommerset, LLC, the adjoining
645 property owner. We don't have any opposition to the transfer of the POD, and I just want to
646 make that clear. We are fine with the project moving forward and we are looking forward to
647 cooperating in good faith with Tetra and Unicorn on obtaining the number of easements that will
648 mutually benefit those parties. We just wanted to make it clear, on the record, that getting either

649 a temporary or permanent CO is conditioned on obtaining the appropriate easements for my
650 client and I think Mr. Kennedy has done that (unintelligible). So, I really don't have anything
651 else to add.

652

653 Mr. Vanarsdall - Thank you, Chuck.

654

655 Mr. Branin - Mr. Vanarsdall, would you like to hear from the applicant?

656

657 Mr. Vanarsdall - No, I don't need to hear from the applicant. Mr. Kennedy, I would like to
658 ask you what assurance do they have that a temporary CO and a permanent CO will not be
659 issued?

660

661 Mr. Kennedy - They are conditions of the POD and we are just putting it into the record
662 so that everyone is fully on notice.

663

664 Mr. Vanarsdall - Thank you. I wanted to get that on record. I don't have any more
665 questions, Mr. Chairman.

666

667 Mr. Branin - Do any of the other Commissioners have any questions? No questions.

668

669 Mr. Vanarsdall - All right, I recommend transfer of approval POD-41-05, Brook Run
670 Shopping Center, be approved with the conditions of the original approval and I don't believe I
671 have anything other than what has been said this morning. That's it.

672

673 Mr. Jernigan - Second.

674

675 Mr. Branin - The motion was made by Mr. Vanarsdall and seconded by Mr. Jernigan.
676 All in favor say aye...all opposed say nay. The motion passes.

677

678 The Planning Commission approved the transfer of approval request for POD-41-05 Brook Run
679 Shopping Center – Parcel 6, from Tetra Group Three LLC to Unicorn Holdings LLC, subject to
680 the previous standard and additional conditions approved and accepted by the new owner.

681

682 **TRANSFER OF APPROVAL**

683

POD-41-73

ARCO International Latino
Market (Formerly M & J
Convenience Store)

6111 Staples Mill Road

Armando Benitez for ARWB, LLC: Request for transfer of
approval as required by Chapter 24, Section 24-106 of the
Henrico County Code from Ann Haskell Et Als to ARWB,
LLC. The .406-acre site is located on the east line of Staples
Mill Road (U.S. Route 33) 200 feet south of Penick Road at
6111 Staples Mill Road on parcel 773-747-8402. The zoning is
B-1, Business District. County water and sewer. **(Brookland)**

684

685

686 Mr. Branin - Is there anyone in the audience in opposition to this transfer of approval
687 request for POD-41-73, ARCO International Latino Market, in the Brookland District? No
688 opposition. Mr. Kennedy.

689

690 Mr. Kennedy - Good morning, again. The new owner has agreed to accept the conditions
691 of the original approval. The applicant has agreed to correct deficiencies that were identified at a
692 site inspection including replacement of regulatory signs, restriping parking, providing wheel
693 stops, replacing missing landscaping, enclosing the dumpster and removing debris and obtaining
694 permits for all signs. The owner is here if there are any questions from the Planning
695 Commission and with that we can recommend approval.

696

697 Mr. Branin - Thank you, Mr. Kennedy.

698

699 Mr. Vanarsdall - I see that the applicant is here and I would like to speak to Mrs. Benitez.

700

701 Mr. Branin - You would like to hear from the applicant?

702

703 Mr. Vanarsdall - Yes. That's what I'm trying to find out, if they are here.

704

705 Mr. Silber - Is the applicant here this morning? No?

706

707 Mr. Vanarsdall - Well, my question was the hours of operation and I know what it is under
708 the zoning. I just wondered what hours are they going to have. Do you know?

709

710 Mr. Kennedy - No, they haven't stated that yet.

711

712 Mr. Vanarsdall - And also I want to find out why the posts are different colors? All of the
713 columns out front look like a rainbow. I don't have any comment on that one way or the other I
714 just wondered for curiosity. So, with that, I will recommend approval of the transfer of approval
715 for POD-41-73, with the conditions on the case and the deficiencies identified in the inspector's
716 report.

717

718 Mr. Jernigan - Second.

719

720 Mr. Branin - The motion was made by Mr. Vanarsdall and seconded by Mr. Jernigan.
721 All in favor say aye...all opposed say nay. The motion passes.

722

723 The Planning Commission approved the transfer of approval request for POD-41-73, ARCO
724 International Latino Market (Formerly M & J Convenience Store), from Ann Haskell Et Als to
725 ARWB, LLD, subject to the previous standard and additional conditions approved and accepted
726 by the new owner and the following additional condition:

727

728 1. A bond in the amount of \$2,000 shall be posted to cover the site deficiencies as identified
729 in the inspection report dated **July 10, 2006** and such deficiencies shall be corrected by
730 **October 31, 2006.**

731 **LANDSCAPE PLAN**

732

LP/POD-24-05
Grayson Hill – Section Two
Patterson Avenue

Studio 39: Request for approval of a landscape plan for section two, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 23.12-acre site is located along the east line of Gaskins Road, approximately 450 feet south of Patterson Avenue on part of parcels 745-740-7668. The zoning is RTHC, Residential Townhouse District (Conditional). (**Tuckahoe**)

733

734 Mr. Branin - Is there anyone in the audience in opposition to landscape plan LP/POD-
735 24-05, Grayson Hill – Section Two, in the Tuckahoe District?

736

737 Man In the Aud. - I'm not necessarily in opposition, sir, but I would like for the case to be
738 heard.

739

740 Mr. Branin - Thank you, sir. Mr. Strauss.

741

742 Mr. Strauss - Thank you, Mr. Chairman, members of the Commission. Staff has
743 completed its review of the landscape plan for Section 2 of this development. The Commission
744 may recall that the buffer along Sleepy Hollow Forest and Lakewater Drive was approved some
745 time ago at the beginning of this project. We have been proceeding with the landscape and
746 lighting plans as the building on the site continues. Section one which included the clubhouse
747 and buildings on Patterson, was approved last February. This plan includes plantings for the
748 interior streets, buildings and typical foundation plantings. With the exception of some minimal
749 or minor conflicts with some utilities and fire hydrants, which will have to be adjusted with the
750 final plans for signature, staff has no problem and we are recommending approval. I'll be happy
751 to answer any questions.

752

753 Mr. Branin - Okay. Are there any questions by Commission members?

754

755 Mrs. Jones - Mr. Chairman, I would like to hear from the applicant before we move on.

756

757 Mr. Strauss - Is there anyone here from Studio 39 here this morning? I don't see
758 anyone.

759

760 Mrs. Jones - I need to have a status report on the BMP arrangement that was critical to
761 the approval of this.

762

763 Mr. Vanarsdall - Here he is.

764

765 Mr. Branin - State your name, sir.

766

767 Mr. Vanarsdall - What were you doing, hiding over there?

768

769 Mr. Theobald - Mr. Chairman, members of the Commission, my name is Jim Theobald
770 and I'm here, as of a moment ago, on behalf of Gummenick Properties. The BMP over the
771 Derby has been completed, totally installed finished. They are extremely happy. They have
772 written a letter expressing that, which I will forward a copy to you, and have been in contact with
773 Mr. Shields. And, again, he is prepared to sign the deed to the Homeowner's Association, and I
774 have been in contact with Mr. Calhoun at the Derby and they have just been a little behind. The
775 rest of us have informed our HOAs. So, all teed up, works done, and looks good.

776

777 Mr. Vanarsdall - I thought that was going to be underground.

778

779 Mr. Theobald - We filled in an existing BMP, over on Lakewater Drive, which is a part of
780 the Derby Subdivision that Mr. Shield developed and seeded it, landscaped it and took out a very
781 bad condition out of that neighborhood.

782

783 Mr. Vanarsdall - They put a fountain in it too.

784

785 Mrs. Jones - When that is finished, would you please inform me so that I know that we
786 have completely finished this arrangement?

787

788 Mr. Theobald - The only thing left is to literally have the deed transferred into their
789 association. We have done all of the title work and Mr. Shield, right now, is calling me weekly
790 ready to sign. So, we are all set.

791

792 Mrs. Jones - Thank you.

793

794 Mr. Branin - Thank you, sir. Do you have any other questions?

795

796 Mrs. Jones - Not for Mr. Theobald.

797

798 Mr. Branin - From any other Planning Commissioners?

799

800 Mr. Strauss - Mr. Chairman, I think this gentleman would like to say something.

801

802 Mr. Branin - All right. Sir, if you could state your name when you come down.

803

804 Mr. Wright - Good morning. My name is Bruce Wright and I live at 800 Lakewater
805 Drive in Henrico County. Thank you for allowing me to speak this morning. In conjunction
806 with the approval of the landscaping plan of phase two of this development, I would just like to
807 point out that the areas of the buffer behind Lakewater Drive, the easternmost buffer of the
808 property. The areas that are only 50 feet wide and are, particularly those around the former, let's
809 call it the butt end of Avalon Drive, the deadend of Avalon Drive. If you have driven along
810 Lakewater Drive in recent months you can see the large townhouse buildings that have been
811 constructed and view those from the Westmoor development. You will see that the massing
812 effect that we spoke of during the public hearings on the rezoning case is real and that the
813 supplemental landscaping that was proffered and done is, though clearly designed to attempt to

814 mitigate the massing problem, simply isn't doing that. I think as we move forward with the
815 project whether it's in this hearing or in a phase 3 plan, at some point I think we need to
816 readdress the landscaping plan for the buffer behind the homes in Westmoor along Lakewater
817 Drive and to assure that there is adequate privacy, adequate screening, and that the massing
818 effect is properly mitigated, and to benefit the residents of Grayson Hill and the existing
819 residents in the Westmoor and Lakewater Drive areas.

820

821 Mrs. Jones - Mr. Strauss, could you tell us a little bit specifically about those buffers
822 that Mr. Wright is referring to?

823

824 Mr. Strauss - You may recall, with this project we had an early planting, and many
825 meetings with the neighborhood about the buffer which this gentleman is referring to. I went out
826 there yesterday. You can't see everything as you drive Lakewater and I didn't want to go into
827 people's backyard but there may indeed be some deficiencies if that's what he feels. We may
828 have to look at it, but my suggestion is, because we have CO's that are dependent on this section,
829 and this section actually doesn't include the original buffer, perhaps we could approve this
830 section, and we do have another section coming on line, Section 3. We can address the buffer
831 when staff has a chance to go out there and look at what this gentleman is referring to and
832 perhaps handle that with a design with Section 3. That would be my suggestion.

833

834 Mrs. Jones - Are all sections of the plantings that Mr. Wright is referring to in place as
835 they should be, or are there more plantings coming in the fall?

836

837 Mr. Strauss - It is my understanding that all the plantings were installed. If there is
838 something that has died or not in the right place, we would have to get an inspector to go out
839 there with staff and look at it.

840

841 Mrs. Jones - So, this can be addressed as we move through the 3rd phase.

842

843 Mr. Strauss - That's what I would suggest. We have CO's pending with these landscape
844 plans right now for Section 1 and I imagine we've got homes that are coming on line for Section
845 2 pretty quickly. But, I don't want to ignore what the gentleman is saying.

846

847 Mr. Silber - Mr. Strauss, the entire eastern boundary of the project, adjacent to the
848 Lakewater community has been planted to this point in accordance with at least phase one plans.

849

850 Mr. Strauss - That is my understanding. A lot of effort went into that review.

851

852 Mr. Vanarsdall - How can they notify him about to what point you are talking about?

853

854 Mr. Strauss - I imagine you got a notice letter for this hearing, correct?

855

856 Mr. Wright - Yes, I did.

857

858 Mr. Strauss - So, I would imagine that you would get a notice letter for the next hearing.

859 Mr. Wright - Is it possible that work could be done by the next hearing to insure that the
860 plans for Phase 3 would include a re-visitation and a reanalysis of the landscaping plan in that
861 buffer, in Phases I and II?

862

863 Mrs. Jones - Mr. Wright, I would encourage you, if you do have an issue to bring
864 forward like this, to contact me and to contact staff and let's talk about this well in advance of
865 the hearing. That's the process that works best for everybody, so that we can walk the site or
866 stand in your backyard and see exactly what you are talking about. I encourage you to arrange a
867 meeting with myself and staff and we will address this prior to the next go round.

868

869 Mr. Wright - Okay. Thank you. I appreciate that. It's not my backyard in this case that
870 I am concerned about, it is the backyards of the homes farther north of Sleepy Hollow Forest, in
871 the older Westmoor neighborhood closer to Avalon Drive itself where the buffer is only 50 feet
872 wide and where the preexisting plants within the buffer were not mature trees, they were largely
873 shrub materials and shorter plantings, so very little buffer really exists at this point.

874

875 Mrs. Jones- Well, we can look at that for sure and I appreciate you coordinating all of
876 that with us.

877

878 Mr. Wright - I'll be happy to do so. Thank you.

879

880 Mrs. O'Bannon - And in projects such as this, I know Mr. Strauss has worked with citizens
881 before at great length, and he is very responsive also. Anyway, he said he went out there
882 yesterday, I know he gets invited into people's backyards often, to take a look. I mean, he has
883 done this on other projects also with similar concerns, so if he said he's going to be there we
884 know he will be there. He is very persistent. I know he will do a good job on that.

885

886 Mr. Wright - Thank you, Mrs. O'Bannon.

887

888 Mrs. Jones - Thank you for bringing that to our attention.

889

890 Mr. Wright - Thank you. Good day, now.

891

892 Mr. Branin - Do any of the Commissioners or anyone else have any comments or
893 questions? Thank you, Mr. Strauss.

894

895 Mrs. Jones - All right. I would like to move LP/POD-24-05, Grayson Hill, Section II,
896 be approved with standard conditions for landscape plans and any annotations on the plans.

897

898 Mr. Vanarsdall - Second.

899

900 Mr. Branin - The motion was made by Mrs. Jones and seconded by Mr. Vanarsdall. All
901 in favor say aye...all opposed say nay. The motion passes.

902 The Planning Commission approved the landscape plan for LP/POD-24-05, Grayson Hill –
903 Section Two, subject to the standard conditions attached to these minutes for landscape plans.

904

905 Mr. Silber - Mr. Chairman, I would like to call the next two cases together, POD-42-
906 06, West Broad Village and the subdivision companion case West Broad Village (July 2006
907 Plan) and you may want to consider them as a whole.

908

909 Mr. Branin - Mr. Secretary, I agree with that.

910

911 **PLAN OF DEVELOPMENT**

912

POD-42-06
West Broad Village –
W. Broad St./Three Chopt
Road

Timmons Group for West Broad Village, LLS, West Broad Village II, LLC and Unicorp National Developments, Inc.: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct an urban mixed-use development consisting of 449,000 square feet of commercial floor area, 600,000 square feet of office floor area, 884 multi-family residential units (townhouses and condominiums), a 300-room hotel with a conference center, and a 130-room hotel. The 115.04-acre site is located along the south line of W. Broad Street (U. S. Route 250), the north line of Three Chopt Road, and the east line of the future John Rolfe Parkway on parcel 742-760-7866. The zoning is UMUC, Urban Mixed Use District (Conditional) and WBSO, West Broad Street Overlay District. County water and sewer. **(Three Chopt)**

913

914

915 **SUBDIVISION**

916

West Broad Village
(July 2006 Plan)
W. Broad Street and
Three Chopt Road

Timmons Group for West Broad Village, West Broad Village II, LLC and Unicorp National Developments, Inc.: The 35.72-acre site proposed for a subdivision of 517 single-family homes is located at the intersection of W. Broad Street (U.S. Route 250) and Brook River Drive on parcels 741-760-0679, 8628, 4232 (pt.); 742-760-1598, 7866; 742-761-5510; 743-759-3484; 743-760-5660, 9645; 744-759-2099 and 2228. The zoning is UMUC, Urban Mixed Use District (Conditional). County water and sewer. **(Three Chopt) 517 Lots**

917

918 Mr. Branin - Is there anyone in the audience in opposition to POD-42-06, West Broad
919 Village, in the Three Chopt District?

920

921 Lady In Aud. - I would like to speak and have some comments.

922

923 Mr. Silber - Not at this point, but we just wanted to know if there was opposition and if
924 there was anyone who wanted to speak and there is.

925

926 Mr. Branin - We have opposition. Thank you. Mr. Wilhite, good morning.

927

928 Mr. Wilhite - Thank you and good morning. We received a POD submittal that covered
929 pretty much the entire project as approved for West Broad Village. Essentially, the plans
930 provide details for everything except for the office buildings at the very corner of I-64 and W.
931 Broad Street. At the time, we had an agreement with the applicant that to come to the meeting
932 today only a certain portion of that plan would be considered, and we did receive that in writing
933 with the POD application. Since that time, the request for what would be considered for
934 approval today, from the applicant has changed twice, at least we had a revised letter submitted
935 to the Planning Department on Friday that greatly increased the scope of the approval that they
936 wanted for today. With the submittal, they have also since changed the master plan on the
937 project since the initial POD submittal. Due to the fact that the scope of the approval that was to
938 be considered for today and the changes to the master plan, based on the letter that we received
939 on Friday from the applicant, staff would recommend at this time a two-month deferral of
940 consideration of this plan.

941

942 Mr. Branin - Any of the Commissioners have any questions right now? I would like to
943 hear from the applicant.

944

945 Mr. Condlin - Mr. Chairman, members of the Commission, my name is Andy Condlin
946 from Williams Mullens on behalf of West Broad Village I and II, the owners of the property
947 that's in front of you. We understand that this is a huge project and that something of this
948 magnitude probably does need to be done in phases, obviously needs to be done right. It needs
949 to be reviewed appropriately. We would like to be able to agree to the deferral until September
950 with respect to really a lot of what was submitted and requested with coming back in October for
951 the elevation, kind of pushing things forward two months with respect to most of the plan and
952 then the additional month for the elevation. We are kind of staying with our schedule. Again,
953 given the magnitude of this, it does need to be phased.

954

955 However, we would like to consider for today, given the timing and loss of the August hearing,
956 whether it be considered by the Planning Commission regarding a Three Chopt buffer, which is
957 something the neighbors want. That's one of the items I've been discussing with the
958 neighborhood, some of the significant changes, dealing with the pipeline we discussed at length
959 before and the office buildings. But, long before the Three Chopt Road buffer, the utility plans
960 which won't change based on it already being reviewed and then the grading for the plans. That
961 is something that we would like to be considered today. Again, to be able to start work on
962 construction on the site and moving forward. The final thing would be the Whole Food and
963 Wacovia, which nothing has changed on that. I believe it has been reviewed and have that
964 considered for today as it stands alone because we would like to start work on that project. I
965 don't know if that makes sense, but what we would like to have considered today, again, would

966 be the Three Chopt Road buffer, the utility plan, the grading, the Whole Foods and Wacovia and
967 then have everything else deferred until the September Planning Commission hearing.

968 This is Chuck Woodall and he would like to say a word.

969

970 Mr. Woodall - I'm Chuck Woodall with Unicorp National Developments, Inc. Thanks
971 for considering our application today. And, we do agree, it is a master project and there are
972 some moving parts and there will probably continue to be moving parts in a development of this
973 size. I'm pleading on behalf of us, as a company, to get the portions released that Andy asked
974 about. Our company has been willing to make concessions on this project as we move through it
975 for neighbor request, for Commission request and different things. We are working with the
976 Pipeline Company right now to relocate the pipeline and sleeve it and do some different things
977 and we have come to an agreement with the Pipeline Company. Tom, you and I have spoken
978 about the neighbors concerns regarding the towers and I've offered the flexibility which takes
979 more time, it's going to take some time to make some changes to the plans. We are in agreement
980 to lower the height of towers and we've just done other things that have come up that we have
981 done really to make a better plan and to accommodate the community. This is one of those areas
982 that we are asking you to accommodate us.

983

984 We are paying about \$400,000.00 bucks a month in interest on the property, which is a lot of
985 money, and my lenders are looking forward to me moving forward on the project. There are
986 areas that haven't changed there are fluid areas of the plan that we just mentioned but Whole
987 Foods and Wachovia are really pushing us for dates to get in the project and we stand the risk of
988 losing tenants that we don't want to lose. The utilities are in place, I'm sure there will be minor
989 revisions that would happen as with any project with utilities, and the other items that Andy
990 mention I think are pretty much fixed.

991

992 If you would have the ability to release us on those items where we can start moving dirt and
993 then begin our utility installation, the amount of time it's going to take to get in front of you in
994 September for the other changes and then eventually in October for the architectural, and the
995 architectural are massive, it's unbelievable. So, there is a lot of work and there is a lot of stuff
996 for the staff to review, and we are just asking if you can work hand and hand with us and release
997 those (unintelligible) portion so at least the interest clock that's ticking benefits us for work
998 that's been done on the project. Thank you.

999

1000 Mr. Branin - Chuck, I'm going to make a couple of comments and then I'm going to
1001 ask the neighbors who wants to ask some question to come forth. A couple of words you used,
1002 immense, humongous, huge, vast, those are all legitimate words for this project and I want to tell
1003 you that you guy have been flexible. You have worked with the County, you have worked with
1004 the neighbors, upon myself at Mr. Kaechele's request, and we are truly grateful. But, if we go
1005 back to the words that you used a couple of times in describing this project, they are. And the
1006 problem that we are facing, and we had a great issue that you guys worked out and I think it was
1007 finally worked out at what time yesterday, Mr. Condlin?

1008

1009 Mr. Condlin - It was late, yesterday afternoon.

1010

1011 Mr. Branin - Yesterday, late afternoon. You guys are putting a tremendous pressure on
1012 the staff because you are coming in and changing stuff because it is changing and it's a moving
1013 target. I'm going to consider everything that you asked.

1014

1015 Mr. Goodall - And I understand the pressures on the staff and hopefully what I offered
1016 will alleviate some of the pressures on the staff that's why we are saying that maybe if this gets
1017 done in a couple of phases because it is a... I've got a team of consultants, landscapers,
1018 architects and engineers. Truthfully, we could probably consume your whole staff's time with it,
1019 but there are certain things that we don't need today that we are not going to start vertical
1020 construction for four or five months on the project, so truthfully why ram it down your throats
1021 and make you guys have to review it when there are other things that probably needs to be paid
1022 attention to in a more particular order. And we are willing to work, even if it means reviewing a
1023 portion of it in October and a portion of it in November because we don't need it all at once and
1024 I would hate to consume the staff's time for every bit of that and because I know they have other
1025 projects in the County as well.

1026

1027 Mr. Branin - Right, and that's what I'm getting at. Please keep in mind that you guys
1028 aren't the only project in the County. We have a lot of projects going on. When you present to
1029 us please bring in what you note to be final because you are changing stuff rapidly. And, like I
1030 said, I'm going to hear from some of the residents and I just want to let you know I am
1031 considering it.

1032

1033 Mrs. O'Bannon - I have a question, if I can, you mentioned about the pipeline and obviously
1034 it is a concern of a lot of citizens, but you said that you were going to change it and put a sleeve
1035 in or something like that. Could you just describe just a little bit about that?

1036

1037 Mr. Goodall - I will and if I mess up I will have Jody speak to it because he actually sat
1038 in the meeting with the pipeline. But, Jody and Lee met with the pipeline authority about three
1039 weeks ago and they actually came to us and said we want to do some things to make this a
1040 residential, friendly, pipeline more or less. There is no safety issues with it but how can we
1041 make this better and they said that they wanted to sleeve the pipeline and upgrade the pipeline
1042 and make it a stronger pipeline and I guess an (unintelligible) casing or something they do with it
1043 and then align it so that it lays out in the best position possible for the development of our
1044 project. It's going to make that situation better because it's going to be a little more workable
1045 with us because our roads kind of have funky little jaunts in them to accommodate the pipeline
1046 and they are willing to as they come in to reconstruct that pipeline to work with us on making
1047 sure the roads and everything are made out correctly for it.

1048

1049 Mrs. O'Bannon - So, the pipeline goes under the road because some of the plans that we
1050 have, it appears that it's in your building and that's....

1051

1052 Mr. Goodall - No, it's not underneath any buildings, it's under a median actually, so it's
1053 in an area where they can service it and we are putting brick pavers there so if they ever need to
1054 service that they would, but since they are going to come in and redo the pipeline it's going to be
1055 brand new essentially there. So, the need to service that would probably be for several, several

1056 years or decades in the future, and if it does needs to be, we are accommodating with medians
1057 and things that would be easily be able to service and not disturb the community that will be
1058 here.

1059

1060 Mrs. O'Bannon - Thank you, very much.

1061

1062 Mr. Goodall - Thank you.

1063

1064 Mr. Branin - Please state your name for the record.

1065

1066 Mrs. Ogburn - Hi, I'm Vicky Ogburn and I live in Windsor Place directly across from the
1067 West Broad Village complex. I'm here representing the five Homeowner Associations along
1068 Three Chopt Road of Windsor Place, Church Run, Barrington, Barrington Valley and Wythe
1069 Trace. We really do appreciate the fact that you let us come. We have been a part of this
1070 process since last fall. We've been talking with the developer with members of the County staff,
1071 etc. We really do appreciate being part of that. As far as what's come before you today, I don't
1072 think that anybody in the Homeowners Association that has been meeting with the developer
1073 would have any problem with the buffer or the utilities, the Wachovia and the Whole Foods
1074 aspect of the development. The one concern that I do have is the fact that I head the word
1075 changes which I don't know what those are so if I could have clarification as to what those were.
1076 What I heard you say is that you got changes on Friday? I'm I right?

1077

1078 Mr. Branin - They are minimal changes that would have to do with grade and they have
1079 to do with placement of buildings and so forth, nothing that will affect the neighborhood at, but
1080 it's creating a vacuum in with our staff because they can't keep up with the changes.

1081

1082 Mrs. Ogburn - Okay. We have had an opportunity to look at the plan of development.
1083 The homeowner associations have decided that those plans, as they stand now with the aspects
1084 that we have talked about, are acceptable to us. We do have discussions that are ongoing with
1085 the developer as far as the office buildings as they indicated. We have not come to a resolution
1086 of those discussions. Like I said, they are ongoing and we have letters being passed back and
1087 forth and I hope that will happen soon. If you do decide to defer we do request, as it has been
1088 happening, that we be kept abreast of what's going on so that we can be a part of that process
1089 and continue to be. Basically, that's all that I have. If you have any questions I'll be glad to
1090 answer them.

1091

1092 Mr. Branin - And how are talks going regarding ...?

1093

1094 Mrs. Ogburn - To be honest with you, I am having difficulty getting responses from the, Windsor
1095 Place and Barrington has already responded to me. I'm kind of the go-between the developer
1096 and the homeowners association. As far as our discussions about the height of the office towers,
1097 we have, as you know, a verbal commitment to the height of the office towers. The request was
1098 made to the developer that we put that in writing. That process is what we are talking about and
1099 we are hoping to get that straighten out so that the neighbors and residents along Three Chopt
1100 Road feel a little more comfortable about the future of this development, and that we can take a

1101 positive stance, we can be happy to welcome our new neighbors as opposed to continually not
1102 fight or argue with them about how things are going. And we would like to take a more positive
1103 approach. We think we have affected a good change in the development that's good for the
1104 Short Pump Area and all we've asked for, from the very beginning, something that's reasonable
1105 for Short Pump, it's reasonable for our neighbors and reasonable for our end of the town. In the
1106 beginning we didn't think that it was. There has been aspects of the property that we thought
1107 weren't reasonable but we've been kind of convenience that otherwise, you know, is the case.
1108 But, we are still working on it. It's an ongoing dialog.

1109

1110 Mr. Branin - Thank you.

1111

1112 Mrs. Harlow - My name is Kathy Harlow and I live in Wythe Trace one of the
1113 communities represented at one of the lengthy meetings at Pocahontas, a little while ago. And, I
1114 also would like to thank the County and the developer for bringing armies of people on both
1115 sides to tell us what was going on. I have two questions. One, you mentioned moving buildings,
1116 which building is that?

1117

1118 Mr. Kennedy - The building we are talking about is (unintelligible).

1119

1120 Mr. Silber - Why don't you tell us what your questions are and....

1121

1122 Mrs. Harlow - That was one of my questions and the other, at the beginning they
1123 mentioned tying a huge housing project to this and that's surprised Mrs. Ogburn, and we don't
1124 know what that is and that sounded large.

1125

1126 Mr. Branin - Brownstones.

1127

1128 Mrs. Harlow - Are you familiar with the brownstones (speaking to Mrs. Ogburn)? Thank
1129 you.

1130

1131 Mr. Silber - Do you have any other questions?

1132

1133 Mrs. Harlow - That's all.

1134

1135 Mr. Silber - Perhaps we can have Mr. Condlin answer those questions.

1136

1137 Mr. Condlin - Yes. The housing is related to the brownstones, that's a part of the 884
1138 that was approved to the zoning. I think that was a question with respect to the subdivision
1139 request, that's part of the POD. So, it's related to the overall 884, I think we talked about that.

1140

1141 Mr. Silber - When you refer to brownstones you are talking about townhouse units,
1142 correct?

1143

1144 Mr. Condlin - It just sounds so much nicer when you say brownstones. With respect to
1145 the moving of the building, it's just a matter of shifting based on road alignment and based on

1146 the plantation pipeline shifting of the building. That's no different than the plan we had at the
1147 neighborhood meeting, just adjusting those buildings, no deletion or addition of any buildings
1148 based on the plan that we presented at that neighborhood meeting. I think that's where we stand
1149 at that point.

1150

1151 Mr. Branin - Anyone else have questions of the applicant?

1152

1153 Mr. Jernigan - Mr. Secretary, the things that they are requesting today, Mr. Wilhite have
1154 you reviewed these and are they okay with you?

1155

1156 Mr. Wilhite - We are not going to be in position to recommend approval of what they
1157 requested today with the changes. Originally, the plan was to approve the improvements
1158 associated with the Whole Foods Grocery and the bank building, at this point, there is still no
1159 access to the site because issues regarding the internal access roads has not be worked out with
1160 Public Works yet. So, you would be approving a site plan with no access to it. The fact that
1161 they are requesting utility plan approval, since the layout of the brownstones has changed and we
1162 have gotten a revised conditional plat for that, we have indications from Public Utilities that
1163 there may be a problem with the way the layout changed and may effect the sewer sheds on the
1164 site. So, approval of the utility plans may be a problem. We have the issue with the grades
1165 between the Short Pump Station site and the Unicorp site, as of yesterday afternoon nothing has
1166 been worked out. I've been told they have been worked out this morning but we have not seen a
1167 revised plan that addresses that. At the very least, staff would need to at least have a two-week
1168 deferral until the zoning meeting in the beginning of August in order to make sure that
1169 everything is prepared and ready to go for the new request that we received this morning.

1170

1171 Mr. Vanarsdall - So, your recommendation is still to defer the case.

1172

1173 Mr. Wilhite - Defer the case based on....

1174

1175 Mr. Vanarsdall - It would be 60 days because we don't meet in August.

1176

1177 Mr. Wilhite - Right. We did a review on the Three Chopt Road buffer and attempted to
1178 contact the landscape architect, and Mr. Strauss indicated that the landscape architect didn't
1179 contact him until this morning, this was his first available opportunity. He had some comments
1180 on the buffer.

1181

1182 Mr. Silber - Mr. Wilhite, what I have noted is the applicant is asking basically for five
1183 things to be acted on today and the balance they are fine with deferring for two months. Could
1184 we take those five items which are the Three Chopt Road buffer, the utility plan, the grading, the
1185 Whole Foods, the Wachovia and review that in the next two-week period of time, review that
1186 with a two-week deferral and then have the balance of the POD and subdivision heard in two
1187 months.

1188

1189 Mr. Wilhite - I believe we could because of the change in scope staff would have to alter
1190 the conditions and comments to fit that new approval now.

1191 Mr. Silber - So, that would be the staff's recommendation that the Planning
1192 Commission defer for two weeks, to the Rezoning Meeting, August 10, those items that the
1193 applicant were hoping could be acted on today but defer those for two weeks and the balance
1194 could be deferred out to the end of September.

1195

1196 Mr. Vanarsdall - That would be July 13.

1197

1198 Mr. Silber - No, that would be August 10.

1199

1200 Mr. Vanarsdall - Excuse me, August 10.

1201

1202 Mr. Branin - And then the balance would be September 27, Mr. Vanarsdall. Mr.
1203 Condlin.

1204

1205 Mr. Goodall - Andy may have one thought, but the approval that we are asking for today
1206 and I know with utilities and the access which I'm hoping for Wachovia and the utilities for the
1207 sewer shed and there may be some comments on that, but those are minor in comparison to the
1208 acreage of the property and the amount of work we have to do. I just asked our engineer in two
1209 weeks are you going to be able to address those concerns and get a submittal that they are going
1210 to be totally happy with. And he said he would be pushed to do that. And, I don't know if you
1211 have done this here, but we have done this in other jurisdictions, but if you are able to grant
1212 approval for the items we just requested, where we as the developer take the risks of comments
1213 that may come from the staff that we will be subject to future revisions to that so as the plan is
1214 refined it will be at our risk. I mean, there are lots and lots of sewer things to get... storm sewer
1215 and pipes and digging, there are lots and lots of stuff we have to do out there that even if we get
1216 back in front of you again in a month on this, we are not going to have those in place, but those
1217 revisions of one of those items that we are doing, we will agree to make those revisions.
1218 Today's approval would not technically be approving every structure and everything that goes
1219 in, so we would be able to address those and catch this back in the resubmittal when you get the
1220 full set of plans.

1221

1222 Mr. Branin - To the best of my knowledge, we don't do that and we are really not
1223 comfortable, although, you know, are building this development is at your risk. But, when it
1224 comes to utilities and state regulations and so forth, we don't take that risk.

1225

1226 Mr. Goodall - Then to bring it back to what Andy was going to say, is that we do have
1227 ELD and we have agreed with Collins and Goodman on the grade. We have to sign an
1228 agreement and there is some discussion that we want to have afterward regarding the mass arm
1229 for the traffic signal.

1230

1231 Mr. Branin - Has the agreement been signed?

1232

1233 Mr. Goodall - The agreement hasn't been signed yet, but their attorneys are making
1234 comments on it this morning and we have agreed to agree. I had a conversation yesterday with
1235 Jeff from Collins Goodman and we agreed on everything and I think the only item we have to

1236 finalize, which will probably take five minutes after this meeting, but is the installation of the
1237 mass arms that we are agreeing for our turn lane that the master arm has to be extended to cover
1238 the additional turn lane that will be added and their proposal is let us put the mass arm in and
1239 have it removed and put a new mass arm in and what we would like to offer is to pay the
1240 incremental costs to upgrade the mass arm that they are going to install just makes sense instead
1241 of wasting a \$60,000.00 mass arm. But, on the grades, the money and all of things we have
1242 agreed it. So, we will document that one change. So, to my point on that is I'm degrading, if
1243 nothing else, if we could be release on the grading then come back in two weeks and the grading
1244 might not be an issue as Andy said because we are going to have an ELD anyhow, but through
1245 their early disturbance permit, but if that's not an issue I would need to ask for... But, that's the
1246 one thing at least would get us by until two weeks until we make the resubmittal if we do defer
1247 for two weeks.

1248

1249 Mr. Branin - Mr. Condlin, oh thank you. Mr. Condlin, either you can do it or I can do
1250 it. You can request a deferral for two weeks for the Three Chopt buffer, the utility plan, grading,
1251 Whole Foods and Wachovia, if you are comfortable with that, if you think you can do that and
1252 then come back with the balance on September 27. That date would be August 10 for the two
1253 weeks and we will gladly squeeze it in for you.

1254

1255 Mr. Silber - Mr. Chairman, let me ask a question because if I understood Mr. Woodall,
1256 I think he was saying that the engineer might have difficulty even getting things to us in a timely
1257 fashion for our review to meet the August 10 hearing.

1258

1259 Mr. Goodall - Well, that was going to be my question then, we've got two weeks, how
1260 much time, is it a week or 10 days that you need for review these items, you know, for
1261 resubmittal.

1262

1263 Mr. Branin - The way I was looking at it, Mr. Secretary, if they are not going to be able
1264 to do it in two weeks, we would know way ahead of time and then it would be deferred out to
1265 September 27 anyway. But, they are pushing to get something done, I understand that, and by
1266 giving them that two-week time as long as they are not overwhelming the staff, as they have
1267 been doing recently, and they can possibly get it in two weeks, if not it can be removed out. We
1268 can always defer it out but I wanted to give them at least the opportunity.

1269

1270 Mr. Goodall - We will commit, obviously, we will submit and only have heard what we
1271 have submitted in time for the staff to have reviewed adequately and then if it is not ready then
1272 we will defer the remaining to the next hearing in September. With a shot, if you don't mind we
1273 would like to take that opportunity.

1274

1275 Mr. Silber - Okay.

1276

1277 Mr. Branin - I'm trying to give you the shot.

1278

1279 Mr. Goodall - And I appreciate that. I'm willing to get up there and I'll just go
1280 ahead and asked for whatever you just said. So, if we could defer for two weeks with respect to

1281 the Wachovia and Whole Foods parcel, the grading, the utility plans and the Three Chopt Road
1282 buffer.

1283

1284 Mr. Vanarsdall - Five things.

1285

1286 Mr. Goodall - Yes, there are five things. Were you counting?

1287

1288 Mr. Silber - I have Three Chopt Road buffer, utility plans, grading, Whole Foods and
1289 Wachovia.

1290

1291 Mr. Goodall - Yes. That would be five.

1292

1293 Mr. Silber - If for some reason, two weeks from now and we still have some difficulty
1294 with you all submitting plans to us and it looks like it's going to be deferred again, there may be
1295 an opportunity for us to allow you to do some land disturbance activity so that you can began to
1296 work the site. Now, Keith White is here today and I don't know if he wants to speak to what
1297 they would be allowed to do but there may be some opportunities for them to move onto the site
1298 and began to move some earth on the site. I think what you guys need to do is look at where you
1299 are with these plans and see if there is some other aspect that we can allow you to move on
1300 relative to some site activity.

1301

1302 Mr. Goodall - We've got our entire team from Chicago and Orlando here and we would
1303 like to at least sit down and make sure that there are no more misunderstandings like we've done
1304 before and make sure the schedules....

1305

1306 Mr. Branin - You guys can get a couple of hotel rooms, camp out a couple of days and
1307 get it going.

1308

1309 Mr. Goodall - The only problem is there aren't enough hotel rooms out here so we will
1310 have to....

1311

1312 Mr. Jernigan - Have you filed an E&S report?

1313

1314 Mr. Goodall - Yes.

1315

1316 Mr. Branin- Mr. White, if they have an opportunity to start working out there, on
1317 moving some dirt to get this ball rolling, what would you be able to recommend?

1318

1319

1320 Mr. White - There is an early land disturbance plan in the works up stairs but there are
1321 a few things holding it up right now one of which is authorization from DHR, Historic
1322 Resources, so they can do work on the site. It is understanding that's been resolved or about to
1323 be resolved. They can not do any work in the wetlands because they don't have their wetlands
1324 permit yet, but the clearing and grading plan that they have in works around the wetland fingers

1325 that they aren't permitted impact yet. The plan is almost approvable with the lifting of the Cease
1326 and Desist by DHR and the CORPS.

1327

1328 Mr. Vanarsdall - Keith, did you talk to Jeff Perry and tell him what is going on this morning
1329 and maybe they can get that done?

1330

1331 Mr. White - What we are waiting on is word from DHR that work can be done on the
1332 site.

1333

1334 Mr. Woodall - I can comment on that. I had a conversation yesterday with Ester and
1335 Joanna at DHR and it was approved yesterday to be released. It was emailed over to Silvia at
1336 Army Corps of Engineering. I spoke to Silvia myself yesterday, as well, and she agreed that she
1337 would send a memo to me yesterday releasing that historical hold on the property and her email
1338 was gotten yesterday, but I didn't get it, but we will follow up with Silva this morning and we
1339 should have the memo that we could get to you guys today, but on the phone they both told me
1340 that it had been released.

1341

1342 Mr. Branin - Mr. Woodall, you understand that you can actually start moving a little bit
1343 of dirt out there and getting started?

1344

1345 Mr. Woodall - Right.

1346

1347 Mr. Branin - I wasn't aware, you guys don't keep us abreast, you are moving so fast.

1348

1349 Mr. Woodall - We are trying to increase your tax....

1350

1351 Mr. Branin - You are increasing my migraines.

1352

1353 Mr. White - Based on that, it sounds like the disturbance plans will be approvable very
1354 soon.

1355

1356 Mr. Branin - Keep us abreast of that, Mr. White. All right. Is there anyone else? I
1357 would like to move that we defer to August 10, 2006 the Three Chopt buffer landscape plan, the
1358 utility plan, the grading plan, the Whole Foods plan and the Wachovia.

1359

1360 Mr. Vanarsdall - Second.

1361

1362 Mr. Branin - The motion was made by Mr. Branin and seconded by Mr. Vanarsdall.
1363 All in favor say aye...all opposed say nay. The motion passes.

1364

1365 At the applicant's request, the Planning Commission deferred POD-42-06, West Broad Village,
1366 to it's August 10, 2006 plan.

1367

1368 Mr. Silber - And then the balance of that development will be deferred out to
1369 September 27 meeting.

1370 Mr. Branin - And I would like to move that the balance of this POD presented to the
1371 Commission today be deferred until the September 27, 2006 meeting.

1372

1373 Mr. Vanarsdall - Second.

1374

1375 At the applicant's request, the Planning Commission deferred the balance of POD-42-06, West
1376 Broad Village, to its September 27, 2006 plan.

1377

1378 Mr. Silber - Now for the subdivision on page 10.

1379

1380 Mr. Branin - I would like to make a motion that West Broad Village (July 2006 Plan)
1381 be deferred until September 27, 2006 at the applicant's request.

1382

1383 Mr. Vanarsdall - Second.

1384

1385 Mr. Branin - The motion was made by Mr. Branin and seconded by Mr. Vanarsdall.
1386 All in favor say aye...all opposed say nay. The motion passes.

1387

1388 At the applicant's request, the Planning Commission deferred subdivision, West Broad Village
1389 (July 2006 Plan) to its September 27, 2006 plan.

1390

1391 **PLAN OF DEVELOPMENT**

1392

| | |
|---|---|
| POD-46-06 Wistar Commons - 8101 Staples Mill Road (POD-132-87 Revised) | Balzer & Associates, Inc. for JCD Properties and Rasteh Construction: Request for approval of a revised plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct two, one-story, 9,600 square foot office warehouse buildings. The 2.12-acre site is located at 8101 Staples Mill Road on parcel 772-752-0526. The zoning is M-1C, Light Industrial District (Conditional). County water and sewer. (Brookland) |
|---|---|

1393

1394 Mr. Branin - Is there anyone in the audience in opposition to POD-46-06, Wistar
1395 Commons, in the Brookland District? No opposition. Mr. McGarry.

1396

1397 Mr. Vanarsdall - Mr. McGarry, before you start your presentation, do you have what you
1398 need, do you have the signatures?

1399

1400 Mr. McGarry - No, sir, I do not.

1401

1402 Mr. Vanarsdall - Do you have anything to complete the transfer of approval?

1403

1404 Mr. McGarry - I have no paper work on the two items.

1405

1406 Mr. Vanarsdall - Mr. Chairman, it would be a waste of time to present the case if we don't
1407 have those two items. I'm going to have to defer it or the applicant will defer it. He's been after
1408 these two items for a few days now, a week, and I even talked to the engineer yesterday or the
1409 day before, myself, and I told him that I will not approve this or recommend approval this
1410 morning without it.

1411

1412 Mr. Branin - Mr. Vanarsdall, would you like to have the applicant come up so that he
1413 can make that request?

1414

1415 Mr. Vanarsdall - I certainly would. I didn't mean to cut you short, Ted, but I don't think
1416 you mind it.

1417

1418 Mr. Balzer - I'm Andrew Balzer with Balzer & Associates, Inc.

1419

1420 Mr. Vanarsdall - Good morning. You understand where I'm coming from.

1421

1422 Mr. Balzer - The owner is well aware of what was requested.

1423

1424 Mr. Vanarsdall - Would you like to defer the case?

1425

1426 Mr. Balzer - Yes, we would like to defer the case until September.

1427

1428 Mr. Vanarsdall - Okay. That's good. I appreciate that. With that, I recommend POD-46-
1429 06, Wistar Commons, be deferred until September 27 at the applicant's request.

1430

1431 Mr. Jernigan - Second.

1432

1433 Mr. Branin - The motion was made by Mr. Vanarsdall and seconded by Mr. Jernigan.
1434 All in favor say aye...all opposed say nay. The motion passes.

1435

1436 At the request of the applicant, the Planning Commission deferred POD-46-06, Wistar Commons
1437 (POD-132-87 Revised) to its September 27, 2006 meeting.

1438 **PLAN OF DEVELOPMENT & SPECIAL EXCEPTION**

1439

POD-44-06
Reflections of West Creek,
Phase II – 12000 W. Broad
St. **(POD-30-99 Revised)**

Timmons Group for Towne Center – West, LLC, North Gayton Apartments, LP and The Breeden Company, Inc.: Request for approval of a plan of development and special exception as required by Chapter 24, Sections 24-2, 24-94(b) and 24-106 of the Henrico County Code, to construct seven, three-story apartment buildings containing 132 units and a club house. The special exception would authorize buildings exceeding 2½ stories in height. The ~~6.10~~ **7.3**-acre site is located at the eastern terminus of Blue Ocean Lane (private), approximately 1,200 feet east of N. Gayton Road and 1,000 feet north of W. Broad Street (U.S. Route 250) on part of parcel 735-764-6278 and **part of 735-765-1837**. The zoning is **R-5C, General Residence District (Conditional) R-6C, General Residence District (Conditional) and WBSO (West Broad Street Overlay) District**. County water and sewer. **(Three Chopt)**

1440

1441 Mr. Branin - Is there anyone in the audience in opposition to POD-44-06, Reflections
1442 of West Creek, Phase II, in the Three Chopt District? No opposition. Ms. Goggin.

1443

1444 Ms. Goggin - Good morning. A revised plan is currently being handed out to you that
1445 addresses staffs concerns with the proposed density of the project. Additionally, the applicant
1446 has agreed to build a retaining wall along I-64 to save as much of the existing trees as possible
1447 within the 25-foot proffered buffer which can then be supplemented with additional landscaping
1448 as necessary. There are two additional conditions in your handout agenda that address both the
1449 density and the retaining wall. Condition No. 36 states that the existing vegetation shall be
1450 retained to the maximum extent possible and a retaining wall shall be constructed in the
1451 northernmost landscape strip adjacent to I-64. Condition No. 37 states that prior to construction
1452 plan approval, POD-30-99 shall be revised to show the revised boundary line, and site data shall
1453 be provided as necessary to show compliance with all County regulations, including density.

1454

1455 The applicant is also requesting approval of a special exception to allow three-story buildings.
1456 Two and half-story structures are permitted by right and the proposed apartments will match the
1457 existing apartments in Phase I which also received a special exception for three stories when
1458 they were presented to the Commission in 1999. The applicant will need to present this request
1459 to the Commission. Staff recommends approval subject to the annotations on the revised plans,
1460 conditions Nos. 24 through 35 in the agenda, and additional conditions Nos. 36 and 37 in your
1461 addendum. Should the Commission choose to approve the special exception request, at the
1462 Commission's discretion, both the POD and special exception can be made in one motion. The
1463 motion will also need to include a time limit waiver because the revised plan was received by
1464 staff yesterday afternoon. I will be happy to answer any questions the Commission may have.
1465 Roger Rodriguez from Timmons and Brain Revere from the Breeden Company are here to

1466 present their request for the special exception and to answer any questions that the Commission
1467 may have of them.

1468 Mr. Branin - Thank you, Ms. Goggin. Do any of the Commissioners have any
1469 questions? Well then, with that, I would like to make a motion to approve POD-44-06,
1470 Reflections of West Creek, Phase II, and the special exception request to allow three-story
1471 buildings, subject to the annotations on the revised plan and conditions for developments of this
1472 type, conditions Nos. 24 through 35 in the agenda and additional conditions Nos. 36 and 37 in
1473 the addendum.

1474

1475 Mr. Jernigan - Second.

1476

1477 Mr. Branin - I would like to make a motion to waive the time limit on POD-44-06,
1478 Reflections of West Creek, Phase II.

1479

1480 Mr. Jernigan - Second.

1481

1482 The Planning Commission approved the special exception, waived the time limit and approved
1483 the plan of development for POD-44-06, Reflections of West Creek, Phase II (POD-30-99
1484 Revised) subject to the annotations on the plans, the standard conditions attached to these
1485 minutes for developments of this type, and the following additional conditions:

1486

1487 24. The unit house numbers shall be visible from the parking areas and drives.

1488 25. The names of streets, drives, courts and parking areas shall be approved by the Richmond
1489 Regional Planning District Commission and such names shall be included on the
1490 construction plans prior to their approval. The standard street name signs shall be
1491 ordered from the County and installed prior to any occupancy permit approval.

1492 26. The easements for drainage and utilities as shown on approved plans shall be granted to
1493 the County in a form acceptable to the County Attorney prior to any occupancy permits
1494 being issued. The easement plats and any other required information shall be submitted
1495 to the County Real Property Agent at least sixty (60) days prior to requesting
1496 occupancy permits.

1497 27. The developer shall provide fire hydrants as required by the Department of Public
1498 Utilities and Division of Fire.

1499 28. Outside storage shall not be permitted.

1500 29. The proffers approved as a part of zoning case C-49C-04 shall be incorporated in this
1501 approval.

1502 30. Any necessary off-site drainage and/or water and sewer easements must be obtained in
1503 a form acceptable to the County Attorney prior to final approval of the construction
1504 plans.

1505 31. Deviations from County standards for pavement, curb or curb and gutter design shall be
1506 approved by the County Engineer prior to final approval of the construction plans by
1507 the Department of Public Works.

1508 32. Insurance Services Office (ISO) calculations must be included with the plans and
1509 contracts and must be approved by the Department of Public Utilities prior to the
1510 issuance of a building permit.

- 1511 33. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the
 1512 Department of Planning and approved prior to issuance of a certificate of occupancy for
 1513 this development.
- 1514 34. The location of all existing and proposed utility and mechanical equipment (including
 1515 HVAC units, electric meters, junction and accessory boxes, transformers, and
 1516 generators) shall be identified on the landscape plans. All equipment shall be screened
 1517 by such measures as determined appropriate by the Director of Planning or the
 1518 Planning Commission at the time of plan approval.
- 1519 35. A note in bold lettering shall be provided on the erosion control plan indicating that
 1520 sediment basins or traps located within buildable areas or building pads shall be
 1521 reclaimed with engineered fill. All materials shall be deposited and compacted in
 1522 accordance with the applicable sections of the state building code and geotechnical
 1523 guidelines established by the engineer. An engineer's report certifying the suitability of
 1524 the fill materials and its compaction shall be submitted for review and approval by the
 1525 Director of Planning and Director of Public Works and the Building Official prior to
 1526 the issuance of any building permit(s) on the affected sites.
- 1527 36. The existing vegetation shall be retained to the maximum extent possible and a retaining
 1528 wall shall be constructed in the northern most landscape strip adjacent to I-64.
- 1529 37. Prior to construction plan approval, POD-30-99 shall be revised to show the revised
 1530 boundary line, and site data shall be provided as necessary to show compliance with all
 1531 County regulations, including density.
 1532

1533 **PLAN OF DEVELOPMENT, SPECIAL EXCEPTION & TRANSITIONAL BUFFER**
 1534 **DEVIATION**

1535

POD-43-06
 Town Center West, Phase 2
 – Hilton Hotel –
 Blue Ocean Lane

**Timmons Group for Towne Center - West, LLC and Henley
 SPW, LLC:** Request for approval of a plan of development,
 transitional buffer deviation, a special exception for a building
 exceeding three stories and 45 feet in height as required by
 Chapter 24, Sections 24-2, 24-94(b), 24-106 and 24-106.2 of
 the Henrico County Code, to construct an eight-story, 248-
 room, 214,000 square foot hotel. The 5.22-acre site is located
 on the south line of Blue Ocean Lane (private), approximately
 660 feet east of N. Gayton Road on part of parcel 735-764-
 6278. The zoning is B-2C, Business District (Conditional) and
 WBSO, West Broad Street Overlay. County water and sewer.
(Three Chopt)

1536

1537 Mr. Branin - Is there anyone in the audience in opposition to POD-43-06, Town Center
 1538 West, Phase – Hilton Hotel, in the Three Chopt District? No opposition. Mr. Wilhite.

1539

1540 Mr. Wilhite - Thank you. Staff has received a revised site plan and revised architectural
 1541 elevations. They have just been handed out to you. This hotel is located in an approved
 1542 shopping center, Town Center West. They are requesting a special exception for buildings
 1543 exceeding three stories and 45 feet in height. This proposal would have an eight-story building

1544 at a total height of 107 feet, 10 inches. Also, we have received a request for transitional buffer
1545 deviation. Under the West Broad Street Overlay District requirements there is a Transitional
1546 Buffer 25 required plus a 15-foot enhancement for a total buffer of 40 feet. This would be at the
1547 location of the business district adjacent to the multi-family development to the north and
1548 northeast. This development is also owned by the Breeden Company, Phase I of Reflections and
1549 Phase II, which you just heard previously.

1550

1551 Due to the requirement of the Department of Fire to increase the drive idle width of 30 feet on
1552 the north side of this building in order to accommodate the emergency equipment setup, the
1553 applicant is requesting the deviation of the transitional buffer from 40 feet down to 34 feet on the
1554 north side of the building and from 40 feet to 25 feet at the northeast corner of the building.
1555 When this development was going through the rezoning process, there was a proffer requirement
1556 for a 25-foot buffer with 35-foot planting requirements. The applicant, at a minimum, would be
1557 able to meet this proffered buffer. We also have confirmation that the building itself will meet the
1558 required setbacks for tall buildings. There was concern at the northwest corner of the building
1559 whether or not they would meet the necessary setbacks. There was a slight alteration to the
1560 design of the building to accommodate that.

1561

1562 In addition, the revised architectural elevations have been changed to add the required brick that
1563 was proffered in the zoning case, so now where there was no brick proposed there is now 50%
1564 brick on the south side which faces W. Broad Street and 35% brick at a minimum on the other
1565 three sides. With that, staff can recommend approval of the revised site plan and the revised
1566 architectural plans.

1567

1568 Mrs. O'Bannon - Is that eight stories? Tell me how many feet is that again.

1569

1570 Mr. Wilhite - One hundred and seven feet and ten inches.

1571

1572 Mr. Branin - Mr. Wilhite, is there a time limit?

1573

1574 Mr. Wilhite - No, we received these revised plans last week.

1575

1576 Mr. Branin - All right. Does anybody else have any questions for Mr. Wilhite? And,
1577 Mr. Wilhite, the Fire Department has signed off and they are comfortable with it?

1578

1579 Mr. Wilhite - Yes. Originally, they were requesting drive isles around the entire
1580 perimeter of the building be 30 feet but due to the location of the tower within the footprint of
1581 the building, they were just able to work out the 30 feet requirement on the north side. The rest
1582 can stay 24 feet.

1583

1584 Mr. Silber - Mr. Wilhite, there is parking underneath this building as well?

1585

1586 Mr. Wilhite - Yes. There is a level of parking beneath the footprint of the building.

1587

1588 Mr. Silber - Do you have elevations that you could put on the document table that
1589 would show.... Are they color elevations or are they black and white?
1590

1591 Mr. Wilhite - The most recent ones were just black and white.
1592 Mr. Jernigan - Do we need separate motions for the transitional buffer deviation?
1593

1594 Mr. Wilhite - And the special exception too.
1595

1596 Mr. Silber - I don't know if there need to be three separate motions but the motion
1597 needs to clearly identify the special exception for the height and the transitional buffer as well as
1598 the POD.
1599

1600 Mr. Branin - Okay. Does anybody else have any other questions? Then, I would like
1601 to move to approve the transitional buffer, the special exception for height on POD-43-06, Town
1602 Center West, Phase 2, Hilton Hotel.
1603

1604 Mr. Silber - Does your motion include approval of the plan of development, special
1605 exception and transitional buffer deviation?
1606

1607 Mr. Branin - Transitional buffer, special exception for height and I was going to come
1608 by with the plan of development in my second motion.
1609

1610 Mr. Jernigan - He said you could include it in.
1611

1612 Mr. Branin - I can include it in?
1613

1614 Mr. Jernigan - Yes.
1615

1616 Mr. Branin - Okay. Including the plan of development with the standard conditions and
1617 additional conditions Nos. 24 through 34 in the agenda and annotations on the plan.
1618

1619 Mrs. Jones - Second.
1620

1621 Mr. Branin - The motion was made by Mr. Branin and seconded by Mrs. Jones. All in
1622 favor say aye...all opposed say nay. The motion passes.
1623

1624 The Planning Commission approved POD-43-06, Town Center West, Phase 2 – Hilton Hotel,
1625 subject to the standard conditions attached to these minutes for developments of this type, the
1626 annotations on the plans and the following additional conditions:
1627

1628 24. The easements for drainage and utilities as shown on approved plans shall be granted to
1629 the County in a form acceptable to the County Attorney prior to any occupancy permits
1630 being issued. The easement plats and any other required information shall be submitted
1631 to the County Real Property Agent at least sixty (60) days prior to requesting occupancy
1632 permits.

- 1633 25. The developer shall provide fire hydrants as required by the Department of Public
1634 Utilities and Division of Fire.
- 1635 26. Outside storage shall not be permitted.
- 1636 27. The proffers approved as a part of zoning case C-49C-04 shall be incorporated in this
1637 approval.
- 1638 28. The developer shall install an adequate restaurant ventilating and exhaust system to
1639 minimize smoke, odors, and grease vapors. The plans and specifications shall be
1640 included with the building permit application for review and approval. If, in the opinion
1641 of the County, the type system provided is not effective, the Commission retains the
1642 rights to review and direct the type of system to be used.
- 1643 29. Deviations from County standards for pavement, curb or curb and gutter design shall be
1644 approved by the County Engineer prior to final approval of the construction plans by the
1645 Department of Public Works.
- 1646 30. Insurance Services Office (ISO) calculations must be included with the plans and
1647 contracts and must be approved by the Department of Public Utilities prior to the
1648 issuance of a building permit.
- 1649 31. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the
1650 Department of Planning and approved prior to issuance of a certificate of occupancy for
1651 this development.
- 1652 32. The location of all existing and proposed utility and mechanical equipment (including
1653 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)
1654 shall be identified on the landscape plans. All equipment shall be screened by such
1655 measures as determined appropriate by the Director of Planning or the Planning
1656 Commission at the time of plan approval.
- 1657 33. A note in bold lettering shall be provided on the erosion control plan indicating that
1658 sediment basins or traps located within buildable areas or building pads shall be
1659 reclaimed with engineered fill. All materials shall be deposited and compacted in
1660 accordance with the applicable sections of the state building code and geotechnical
1661 guidelines established by the engineer. An engineer's report certifying the suitability of
1662 the fill materials and its compaction shall be submitted for review and approval by the
1663 Director of Planning and Director of Public Works and the Building Official prior to the
1664 issuance of any building permit(s) on the affected sites.
- 1665 34. The ground area covered by all the buildings shall not exceed in the aggregate 25 percent of
1666 the total site area.

1667
1668 **PLAN OF DEVELOPMENT**

1669

POD-50-06

St. Mary's Hospital Parking
Addition - W. Franklin
Street, Monument Avenue
and Maple Avenue

**Vanasse Hangen Brustlin, Inc. for Bon Secours St. Mary's
Hospital:** Request for approval of a plan of development as
required by Chapter 24, Section 24-106 of the Henrico County
Code, to construct an additional parking area for 143 parking
spaces. The 1.84-acre site is located on the southwest corner of
the intersection of Monument Avenue and Maple Avenue north
of W. Franklin Street on parcels 768-738-0646, 1142, 2447
and part parcel of 1260. The zoning is O-3C, Office District

(Conditional). (County water and sewer N/A). **(Three Chopt)**

1670

1671

1672 Mr. Branin - Is there anyone in the audience in opposition to POD-50-06, St. Mary's
1673 Hospital Parking Addition? No opposition. Mr. Strauss.

1674

1675 Mr. Strauss - Thank you, Mr. Chairman, members of the Commission. This plan of
1676 development application is for a parking area addition at the St. Mary's Hospital. It was the
1677 subject of a rezoning case at this Commission last March and subsequently it was approved by
1678 the Board of Supervisors with a number of proffer conditions which control many things such as
1679 the hour of operation and (use from 7:00 a.m. to 7:00 p.m.) buffers in the form of saved trees and
1680 supplemental plantings around the periphery of the parking area, additional proffer conditions
1681 also relate to hours of construction, limited access to Maple Avenue only, entrance landscaping
1682 to match the entrance across Maple Avenue; except there will be the addition of a gate on this
1683 new parking area. When not in use this lot will be gated. The plan of development application
1684 also included a conceptual landscape plan, we just handed that out. There is a substantial
1685 amount of landscaping around the parking area. Staff asked the applicant to consider adjusting
1686 the grades along Monument Avenue in order to save some additional trees. The applicant has
1687 provided that revised plan. We are handing that out this morning as well. This plan indicates
1688 that between 13 to 23 existing trees can be saved on Monument Avenue, depending on whether a
1689 sidewalk will be constructed along Monument Avenue. Staff and the Department of Public
1690 Works are recommending a sidewalk on Monument Avenue. The applicant has stated that they
1691 intend to request a waiver of the sidewalk from Public Works. If this waiver is granted an
1692 additional 10 trees could be saved. I'll have to ask the applicant to speak to the waiver and the
1693 progress with that. In the meantime, the landscaping plan that's included in this handout would
1694 be approved after the plan of development approval.

1695

1696 Construction of the parking area has begun in order to evaluate the need for screening. The
1697 proffers indicate that a Transitional Buffer 25 will be provided in the 50-foot buffer zone in the
1698 parking area. Lighting is controlled by a proffer limiting height, with a lighting fixture of 12 feet
1699 with concealed source fixtures. At this point, staff is recommending approval. There was a
1700 question about fencing. Our Police reviewer suggested a fence along the western property line.
1701 I have since found out this morning there will be no fence. That's not our requirement. At the
1702 Rezoning, the applicant selected not to provide that fence. There's going to be a "green wall" of
1703 planting along the parking area. So with that, staff is recommending approval and I'll be happy
1704 to answer any questions you may have.

1705

1706 Mr. Branin - Mr. Strauss, I've got several questions for you. I apologize for taking you
1707 down that path. I thought in our original zoning that we had gotten them to proffer a fence. I
1708 gave you that misinformation and I apologize.

1709

1710 Mr. Strauss - No problem. The fence was a topic discussion with the Police reviewer
1711 but the applicant may state this morning he doesn't want to provide a fence he would rather
1712 provide the landscape.

1713

1714 Mr. Branin - This was a tough case that dragged out for a very long time and we
1715 worked very closely with the community to get a lot of things accomplished in that area that
1716 needed to be done. There are 10 trees that we can save by not putting a sidewalk in there,
1717 correct? Now the applicant has offered to put a sidewalk down Maple, correct?

1718

1719 Mr. Strauss - Yes.

1720

1721 Mr. Branin - Would you point that out, please, sir.

1722

1723 Mr. Strauss - The parking lot is here (referring to rendering on the screen). There was a
1724 request from Public Works for a sidewalk and curb and gutter. They are going to place the
1725 sidewalk where it would do the most good, where the day care center is. I don't know exactly
1726 where that day care center is, it might be down here (referring to rendering).

1727

1728 Mr. Branin - All the way down there yes. Thank you. Anybody else have any
1729 questions for Mr. Strauss?

1730

1731 Mrs. Jones - Is there a sidewalk on Monument Avenue along the parcel here (referring
1732 to rendering) to the east of the parking lot.

1733

1734 Mr. Strauss - I don't believe that there are any sidewalks out there at all now. This
1735 would be a first.

1736

1737 Mrs. Jones - That's what I thought. Thank you.

1738

1739 Mr. Branin - Thank you, Mr. Strauss. Would the applicant come forward.

1740

1741 Mr. Theobald - Mr. Chairman, members of the Commission, I'm Jim Theobald here on
1742 behalf of Bon Secours St. Mary's and as, Mr. Branin, as you have indicated and as well as Mr.
1743 Strauss, the topic of sidewalks was one that got a lot of discussion during the Rezoning case and
1744 the consensus was to add one exactly as described building on the day care side of Maple. There
1745 are no other sidewalks along Monument Avenue and we would ask that you eliminate proposed
1746 condition No. 25. As you remember, a lot of the discussion was what would you see from the
1747 other side of Monument Avenue etc. and so no sidewalk was proffered and in fact it would
1748 disturb a number of trees along there and we would respectfully ask that you delete that proposed
1749 condition.

1750

1751 Mr. Branin - Okay. I'm going to ask you to hang on because I would like to hear what
1752 the resident would like to say and you may want to address it. Ma'am.

1753

1754 Mrs. Clay - I'm Lois Clay and I live at 6202 W. Franklin Street and I just wanted to
1755 come to the meeting to find out exactly what the plan of development was. I talked with Mr.
1756 Strauss yesterday and he indicated something about the sidewalks on Monument. I don't
1757 necessarily want a sidewalk on Monument either. I don't really think that it is all that necessary.
1758 I'm assuming that the parking lot is still just for valet parking and hospital personal.

1759
1760 Mr. Branin - Yes, ma'am, that's the way it was proffered on the Rezoning case.
1761 Mrs. Clay - And Mr. Strauss mentioned a black, vinyl, chain link fence. Oh, Lord, no.
1762 No. I am strictly opposed to a chain link fence. We would like a fence, a stone wall or
1763 something, originally, but that was not proffered in.
1764
1765 Mr. Branin No, ma'am, it was not.
1766
1767 Mrs. Clay - And if the applicant wants to do a fence I think we can do something
1768 better than a chain link fence there.
1769
1770 Mr. Branin - Yes, ma'am. And where would you recommend the fence be?
1771
1772 Mrs. Clay - On the western boundary.
1773
1774 Mr. Branin - On the western boundary. Okay. As you know, one of the big things
1775 during Rezoning that I was against, that some of the neighbors wanted, was the whole thing
1776 fenced in or the whole thing walled in and I was adamant about putting a wall up because there
1777 are a bunch of beautiful trees out there. There are a bunch of cedars along your street that could
1778 be damaged by that.
1779
1780 Mrs. Clay - Well there are different opinions on how beautiful they are.
1781
1782 Mr. Branin - But, they are a good blocker.
1783
1784 Mrs. Clay - They are old trees and pretty sparse on the back side, but like I said, no,
1785 no, chain link fence.
1786
1787 Mr. Branin - Okay.
1788
1789 Mr. Silber - Could you give us your name and address again, I'm sorry.
1790
1791 Mrs. Clay - Pardon me.
1792
1793 Mr. Silber - Could you give us your name and address again please.
1794
1795 Mrs. Clay - Yes. It is Lois Clay, 6202 W. Franklin Street.
1796
1797 Mr. Branin - And, Mrs. Clay, did you hear that you are going to get your speed bumps?
1798
1799 Mrs. Clay - No.
1800
1801 Mr. Branin - They are coming and the traffic measures that we discussed they are
1802 coming.
1803

1804 Mrs. Clay - Okay.
1805

1806 Mr. Branin - So, we won that one. Thank you.
1807

1808 Mrs. Clay - Thank you.
1809

1810 Mr. Branin - I don't have any other comments or questions.
1811

1812 Mr. Strauss - There is a question that remains, do we want to proceed with the sidewalk
1813 on the south side of Monument, if we are silent on that the condition still stands No. 25 for a
1814 sidewalk.
1815

1816 Mr. Branin - I would like to strike that condition.
1817

1818 Mr. Strauss - We don't really have any opposition on that, I don't know if Mike
1819 Jennings wants to speak to that. They are going to be getting a request for a waiver of the
1820 sidewalk. I feel pretty good about it. We are either going to get a sidewalk or we are going to
1821 get trees.
1822

1823 Mr. Branin - Mr. Jennings, do you have any comments regarding this?
1824

1825 Mr. Jennings - Good morning. I'm Mike Jennings assistant traffic engineer. We
1826 requested a sidewalk based on our policy of being a Major Thoroughfare Plan road close to a
1827 public facility which we figured pedestrians would want a sidewalk there to future access to the
1828 hospital and if any changes were made to the hospital, any additions or anything, we were going
1829 to ask for a sidewalk along that eastern portion also. So, we are requesting it based on policy.
1830 That's where we were coming from. I didn't know that there was so much strong opposition
1831 against it until today.
1832

1833 Mr. Branin - And with that knowledge do you feel more comfortable with it being
1834 removed?
1835

1836 Mr. Jennings - Yes, sir.
1837

1838 Mr. Branin - Thank you. Are there any other questions? Then I would like to move for
1839 approval of POD-50-06, St. Mary's Hospital Parking Addition, with the annotations on the
1840 plans, conditions Nos. 24, 26 through 32.
1841

1842 Mr. Jernigan - Number 25 deleted.
1843

1844 Mr. Branin - With No. 25 deleted.
1845

1846 Mr. Jernigan - Second.
1847

1848 Mr. Branin - The motion was made by Mr. Branin and seconded by Mr. Jernigan. All
1849 in favor say aye...all opposed say nay. The motion passes.

1850

1851 The Planning Commission approved POD-50-06, St. Mary's Hospital Parking Addition, subject
1852 to the standard conditions attached to these minutes for developments of this type, the
1853 annotations on the plans and the following additional conditions:

1854

1855 24. The right-of-way for widening of Maple Avenue and Monument Avenue as shown on
1856 approved plans shall be dedicated to the County prior to any occupancy permits being
1857 issued. The right-of-way dedication plat and any other required information shall be
1858 submitted to the County Real Property Agent at least sixty (60) days prior to requesting
1859 occupancy permits.

1860 25. The proffers approved as a part of zoning case C-6C-06 and conditions of variance A-16-
1861 2006 shall be incorporated in this approval.

1862 26. Any necessary off-site drainage and/or water and sewer easements must be obtained in a
1863 form acceptable to the County Attorney prior to final approval of the construction plans.

1864 27. Deviations from County standards for pavement, curb or curb and gutter design shall be
1865 approved by the County Engineer prior to final approval of the construction plans by the
1866 Department of Public Works.

1867 28. Approval of the construction plans by the Department of Public Works does not establish
1868 the curb and gutter elevations along the Henrico County maintained right-of-way. The
1869 elevations will be set by Henrico County.

1870 29. Approval of the construction plans by the Department of Public Works does not establish
1871 the curb and gutter elevations along the Virginia Department of Transportation
1872 maintained right-of-way. The elevations will be set by the contractor and approved by
1873 the Virginia Department of Transportation.

1874 30. The owners shall not begin clearing of the site until the following conditions have been
1875 met:

1876

1877 (a) The site engineer shall conspicuously illustrate on the plan of development or
1878 subdivision construction plan and the Erosion and Sediment Control Plan, the
1879 limits of the areas to be cleared and the methods of protecting the required
1880 buffer areas. The location of utility lines, drainage structures and easements
1881 shall be shown.

1882 (b) After the Erosion and Sediment Control Plan has been approved but prior to any
1883 clearing or grading operations of the site, the owner shall have the limits of
1884 clearing delineated with approved methods such as flagging, silt fencing or
1885 temporary fencing.

1886 (c) The site engineer shall certify in writing to the owner that the limits of clearing
1887 have been staked in accordance with the approved plans. A copy of this letter
1888 shall be sent to the Department of Planning and the Department of Public
1889 Works.

1890 (d) The owner shall be responsible for the protection of the buffer areas and for
1891 replanting and/or supplemental planting and other necessary improvements to

1892 the buffer as may be appropriate or required to correct problems. The details
1893 shall be included on the landscape plans for approval.
1894 31. Complete construction details for the entrance gates shall be included in the revised
1895 construction plans and must meet all specifications of Division of Fire, Police, and the
1896 Traffic Engineer. The owner or owner's contractor shall contact the County Fire
1897 Marshall prior to completion of the fence installation to test and inspect the operations of
1898 the gates. Evidence of the Fire Marshall's approval shall be provided to the Department
1899 of Planning by the owner prior to use of the parking lot.

1900

1901 **SUBDIVISION**

1902

Ivy Hill **Bay Design Group, P.C. for Debra Y. Talley:** The 5.316-
(July 2006 Plan) acre site proposed for a subdivision of 14 single-family homes
New Osbourne and Old is located at Osborne Turnpike and Greenview Road on parcel
Osbourne Turnpike 800-707-7870. The zoning is R-3, One-Family Residence
District. County water and sewer. **(Varina) 14 Lots**

1903

1904 Mr. Branin - Is there anyone in the audience in opposition to Ivy Hill subdivision, in the
1905 Varina District? Just one, huh. Okay. Mr. Strauss.

1906

1907 Mr. Strauss - Thank you, Mr. Chairman, members of the Commission. This is a very
1908 unique case in that it involves a conditional subdivision plan with a historic home on it, the
1909 Talley House. And this proposed subdivision is also directly adjacent to another historic house
1910 known as Edge Hill. The Talley House is located here (referring to rendering) and it's circa
1911 1925 I believe, and the Edge Hill Home is over here, to the east, and that dates back to 1840 and
1912 perhaps earlier. So, what we are dealing with here is a subdivision plan with a historic home
1913 next to another older historic home. The applicant wishes to develop 14 lots, as allowed under
1914 R-3 zoning, the property is unproffered, unconditioned and it is zoned R-3 and has been for some
1915 time. The applicant proposes to preserve the Talley House and also proposes 13 additional lots
1916 around it to be served by existing public streets and a new cul-de-sac street with access from
1917 New Osbourne Turnpike. There has been a great deal of concern over this proposal particularly
1918 by the contract purchaser of the adjacent Edge Hill House, Mrs. Ashley Goodwin. Mrs.
1919 Goodwin has been in contact with the Planning Department. She has expressed a great deal of
1920 concern regarding the potential impact of the subdivision should it be approved and constructed
1921 as currently designed.

1922

1923 The concern relates to the impact on the historic context of the area known as Marion Hill in the
1924 proximity of this new development next to the Edge Hill House. The Edge Hill House dates
1925 back to 1840 while the Marion Hill area traces its history not only to Pre Civil War Days but
1926 farther back, to the days of early settlers, James Town, John Smith and Chief Powatan, names
1927 that I'm sure you are all familiar with and you recognize. The issue is what can be done to
1928 further protect the environment of Marion Hill, and the Edge Hill House in particular, which is
1929 also listed in the County's Historic Register, and is nominated for State and National Historic
1930 Registers. Mrs. Goodwin has been to the Board of Supervisors recently requesting a special
1931 strategy area with historic designation.

1932

1933 In the meantime, we have a subdivision plan that has been submitted and reviewed by the
1934 various agencies. During that review, staff requested a revised plan that would comply with the
1935 additional residential setbacks required along minor collectors and provide additional right-of-
1936 way as requested by Public Works on New Osbourne Turnpike and Greenview Drive. The
1937 applicant has submitted a revised plan and that's the plan that we are handing out this morning.

1938

1939 I think it would be useful at this point, to have a short discussion of subdivision regulatory
1940 powers. Subdivision Regulatory Powers are granted to local government by acts of the General
1941 Assembly and further enumerated in the Code of Virginia. There is a distinction between zoning
1942 regulations and subdivision regulations. Zoning is a discretionary, legislative, policy making
1943 power granted to local government. In this case, the zoning is in place, it is R-3 and has been
1944 since 1960. Review and approval of a conditional subdivision plan, on the other hand, is what is
1945 termed a ministerial power, granted to the locality to ensure that property proposed to be used in
1946 the manner for which it is already zoned, develops according to specific rules and guidelines
1947 authorized by State Law; and in this case would include the subdivision and zoning regulations
1948 of Henrico County.

1949

1950 Once the applicant's subdivision plan complies with the requirements of the subdivision and
1951 zoning ordinance, approval is required and in fact, approval is required within 90 days after the
1952 plan is submitted.

1953

1954 The revised plan, that we are handing out this morning, now complies with the subdivision
1955 ordinance and the zoning ordinance and therefore approval is required by law. I don't think it
1956 can be stated any simpler than that.

1957

1958 Staff has heard the comments from the new neighbor, Mrs. Goodwin and the developer. We do
1959 appreciate all of the hard work and effort and the research that Mrs. Goodwin has put into this
1960 project. It has been an interesting and educational process with regards to the history of the area.
1961 Staff held a meeting with the applicant and Mrs. Goodwin to try to assist the two parties in
1962 reaching an understanding with regards to what the developer intends to do and what the
1963 neighborhood would like to see happen. As staff, we can do what we can do to assist the
1964 developer with providing some design alternatives. But, in the final analysis, if the developer
1965 has a mind to proceed as he sees fit, we can't force him to change a plan that meets Code.

1966

1967 So, in summary, Planning staff has done what it can do with the tools we have available to us.
1968 We are recommending approval of the revised plan with revised condition No. 13 regarding the
1969 planting strip in the addendum. There are also two additional conditions which staff is
1970 recommending and we have handed out in the addendum this morning with the plans that were
1971 just given to you: The developer of Ivy Hill will use his best effort to save large existing beech
1972 trees located along the eastern property line with the Edge Hill property. A tree protection plan
1973 will be submitted with the grading plan for lots adjacent to Edge Hill. In addition, we have
1974 another condition for a planting strip along the eastern property line of Edge Hill which may be
1975 eliminated, if an alternative method for providing a buffer to Edge Hill is approved by the
1976 Director of Planning prior to final approval of the plat. So, with those two additional conditions,

1977 I believe it's 17 and 18, and the correction to the condition with regards to the planting strip,
1978 (that planting strip should also be along New Osbourne Turnpike), we are ready to recommend
1979 approval and I'll be happy to answer any questions you may have.

1980

1981 Mr. Branin - Anybody have any questions?

1982

1983 Mrs. Jones - I just have a technical question. Did you say to add Nos. 17 and 18 and
1984 revised No. 13?

1985

1986 Mr. Strauss - Yes, there are two additional conditions which were handed out in the
1987 addendum.

1988

1989 Mr. Branin - Mr. Strauss, I've got one. Did you say legally it has to be approved?

1990

1991 Mr. Strauss - Yes.

1992

1993 Mr. Silber - If it meets all the technical requirements of the County Code, which this
1994 does at this point. Mr. Strauss, the condition read on No. 17 you said large existing beech trees,
1995 this condition says beech tree.

1996

1997 Mr. Strauss - It is actually one tree.

1998

1999 Mr. Silber - So, there is one existing beech tree that we are attempting to protect.

2000

2001 Mr. Jernigan - It's just big as three or four trees put together.

2002

2003 Mr. Silber - Okay. That's fine.

2004

2005 Mr. Jernigan - Jim, I want to thank you for all the work you have done on this. Mr.
2006 Chairman, I think I would like to hear from the opposition before we hear from the applicant.
2007 That way they can voice their opinions and he can address anything they may have.

2008

2009 Mr. Branin - Mr. Secretary, would you explain the process?

2010

2011 Mr. Silber - Yes. The Planning Commission's rules and regulations indicate that the
2012 applicant has 10 minutes to present his plan or his case and the opposition has 10 minutes
2013 collectively to present their opposition. Any time the Planning Commission is asking questions,
2014 the 10-minute clock is not running, but we do try to allocate about 10 minutes for each side to
2015 present their case. So, I don't know if you have a spokes person or two, but please keep in mind
2016 the policy of 10 minutes. The Planning Commission can extend that if they so deem necessary.

2017

2018 Mr. Branin - And with that, I also remind you to say your name and it helps us to know
2019 where you live, okay.

2020

2021 Mr. Jernigan - Okay, who would like to go first?

2022

2023 Mrs. Koontz - Thank you so much for this opportunity. I represent Varina Beautification
2024 Committee and my name is Jane Koontz and I live at 9184 Hoke Brady Road in Varina and I
2025 will condense a letter, which I think you have a copy of in your folders from Varina
2026 Beautification Committee, in the interest of time. Relative to Ivy Hill Estates, the Varina
2027 Beautification Committee shares and supports the Marion Hill community concerns regarding
2028 this proposed subdivision. We request that the Planning Commission defer a decision on the
2029 conditional plans in order to work with the developer to ensure the following measures are
2030 imbedded in the Ivy Hill Estate planning. And we could illiterate and reilliterate architectural
2031 compatibility, less density and adequate buffering. If I could just elaborate a bit on each of those
2032 three conditions. 1. Architectural Compatibility. New development often compromises the
2033 historical integrity of adjacent structures with newer architectural designs that are not compatible
2034 with that of the historic structure. And this devalues historic structures. 2. Less Density.
2035 Multiple houses surrounding a historic structure detracts from the character of a historic home.
2036 Close proximity of new homes often devalues historic property. Half the number of proposed
2037 homes located on larger lots away historic houses would lessen the possible lost of value. 3.
2038 Adequate Buffering. A thick landscaped evergreen buffer is needed to ensure a view shed for the
2039 two historic homes as well as to shield the historic houses from developing density. If the
2040 developer does not provide buffers, the landowner should be compensated by the developer for
2041 planting and maintaining buffers around these two historic properties. In order to comply with
2042 the goals stated in Henrico County's zoning code, and I quote "Protect against destruction or
2043 encroachment upon historic areas." The committee requests and appreciate your consideration
2044 of these community concerns from Marion Hill citizens. Your planning decisions will influence
2045 the quality of the proposed subdivision impacting future development as well as historical
2046 conservation throughout the Marion Hill neighborhood. There is a treasure of history in Varina
2047 that could be mind especially in the year 2007, and we would like your special consideration for
2048 this exceptional, exceptional, historic case. Thank you so much. And this is from our President
2049 Charles F. Finley. Thank you.

2050

2051 Mr. Jernigan - Jane, are you aware that we had a meeting with the developer, with
2052 Ashley, and sat down for two hours and went over a lot of these things.

2053

2054 Mrs. Koontz - Yes, I am and I appreciate that so much.

2055

2056 Mr. Jernigan - And the Talley House, which is an older home, but he said that it was so
2057 unique that he's going to renovate that and keep it in the mix.

2058

2059 Mrs. Koontz - I was not aware of that.

2060

2061 Mr. Jernigan - The house is on the site that he is buying which is an old house and once
2062 he went through it, and he told Ashley this in the meeting, that at first they thought it would
2063 come down but the house was so unique that he's going to keep it in there and it will be a part of
2064 the subdivision. So as far as trying to preserve and encroachment he's doing his part. He's
2065 going to keep that house and he's not encroaching on the edge of Hill property. His property just
2066 happens to run right up next door to it.

2067

2068 Mrs. Koontz - I think we wanted to explore certain creative conditions within the zoning
2069 ordinance such as say use of stem lots or other little exceptions that could be made.

2070

2071 Mr. Jernigan - Well, there are not stem lots on this.

2072

2073 Mrs. Koontz - Okay.

2074

2075 Mr. Jernigan - And also he told Mrs. Godwin at the meeting that he liked the architecture
2076 that was on the house that she's purchasing and he wants to simulate that in his subdivision.
2077 These homes will be in the \$280,000.00 range so after that meeting I felt pretty good.

2078

2079 Mrs. Koontz - I realize this is not a rezoning case and we have to rely on the good will of
2080 the developer.

2081

2082 Mr. Jernigan - Exactly. That's what I told Ashley from day one. This is not a zoning
2083 case it is a subdivision. But, I appreciate you coming up.

2084

2085 Mrs. Koontz - Thank you for listening.

2086

2087 Mr. Jernigan - Okay, bye, bye.

2088

2089 Ms. Baker - I also have some handouts. Can I hand these out to you first?

2090

2091 Mr. Jernigan - Ma'am, would you state your name for the record, please.

2092

2093 Ms. Baker - Yes, I am Bobbie Baker and I live at 5815 New Osbourne Turnpike, just
2094 down the road from the development. Good morning, Mr. Chairman, ladies and gentlemen of
2095 the Commission. We are requesting a deferral of the Ivy Hill conditional plan based on the
2096 considerable concern of our small historic community. We appeal to the Commission to assist
2097 us in working creatively with the developers so that we may benefit by better blending with our
2098 community. The recently resubmitted conditional plan showed no changes reflecting requested
2099 use shed and buffers. The developer will be building on listed historic property surrounding
2100 listed historic resource for Talley House. Based on the proximity of the proposed Ivy Hill
2101 homes, the entire community could benefit from the creative use of exceptions to the Zoning
2102 Ordinance. This situation meets the criteria for 19-4, as far as we can see. The Board members
2103 said last night that they encourage creativity in cases like our community.

2104

2105 One alternative is to simply adjust the current orientation of the proposed homes facing
2106 Greenview Drive. Alternate orientations alone could severely lessen the extraordinary hardship
2107 on the directly adjacent historic resource and other closely set adjacent homes. By turning the
2108 street facing houses to face into the subdivision, that has been done in other historic area, we
2109 might save the historic setting of the adjacent resource. Last night we submitted to the Board of
2110 Supervisors two separate petitions showing over 180 signatures. Our area is small we have
2111 approximately 100 homes existing now. We have the two petitions signed by the majority of our

2112 residents. One was a copy of the original submitted to the Board, that we will submit today, the
2113 second petition we are submitting directly to the Planning Commission signed by 101 residents
2114 concerned for the proper design of the Ivy Hill subdivision base in the desire to maintain intact
2115 the historic value of the property and integrity of our established neighborhood. Mr. Chairman,
2116 ladies and gentlemen, may I have permission to ask that those residents that were able to attend
2117 and concern stand up today? As you can see, we have quite a few who are here. And let it be
2118 recognized that we have a good display for early morning.

2119

2120 Marion Hills is a century old settled area which is delicately handled to present a unique
2121 opportunity to the developers from which they could obviously benefit. National studies have
2122 shown that the value of non-historic homes within an historic area are substantially greater than
2123 homes in other localities. We feel confident that our request is minimal in light of the historic
2124 setting and implore you to defer this conditional plan and allow the Planning staff to further
2125 review with the developer's alternate orientation. Please allow the time for review that this
2126 unique situation deserves. I would also like to add, and I did this on request for someone who
2127 could not be here last night, Mr. Givens, who is a certified landscaper and conservationist. I also
2128 have a copy of what he was going to say, in addition to this and I'm just going to paraphrase just
2129 a little bit. We as a neighborhood are very concerned about the development and the impact on
2130 it, not just Edge Hill but all of us who live on that hill, this development would increase our
2131 neighborhood by about 13% in one foul swoop, with homes. We as a neighborhood have not
2132 had a chance to meet with the developer or to meet with the Planning Commission or to meet
2133 with our Supervisor to discuss this. We would like that opportunity before anything is settled.
2134 That would our request to defer this so that we can have the opportunity, as a community, to
2135 meet with those parties that we should be able to talk to. Thank you.

2136

2137 Mr. Jernigan - Thank you.

2138

2139 Mr. Vanarsdall - Ms. Baker, I was under the impression that there have already been
2140 several meetings.

2141

2142 Ms. Baker - No, sir. As a community we have had no meetings.

2143

2144 Mr. Jernigan - We had a meeting....

2145

2146 Ms. Baker - You had a meeting with the person buying the property next door and
2147 that's all. The community as a whole was not aware that this development was going in, and we
2148 have for the last month tried to get with our Supervisor and have not.

2149

2150 Mrs. O'Bannon - I can say at the Board meeting last night, Ms. Baker spoke and Mr. Donati
2151 did respond with what you heard here to that this is more of a technical review.

2152

2153 Ms. Baker - Yes, but that is the first response as a community that we have had from
2154 him.

2155

2156 Mrs. O'Bannon - He also talked about some of the things that Mr. Jernigan had been doing
2157 and adding on what you see this morning...

2158

2159 Ms. Baker - Right and we appreciate what you have done and that you have been out
2160 there. I know Mr. Jernigan has been out there several times to look.

2161 Mrs. O'Bannon - and maintaining that older house on the property and adding... the tree
2162 was one thing that Mr. Donati did mention last night, the big tree and then he mentioned....

2163

2164 Ms. Baker - We are concerned about the impact on the whole community because it's
2165 not a big community and that's a lot of houses to add at once, and we are just concerned about
2166 the impact on our community as a whole and we would like to discuss it with the developers also
2167 and see what is going to happen.

2168

2169 Mr. Vanarsdall - I know that you have probably heard this before but I would like to say
2170 that this is a straight zoning, no conditions, no proffers or anything back in the 70's when we
2171 didn't have conditions on it, and what we are doing here today is operating under everything
2172 that's legal and lawful. The developer has bent over backwards. Mr. Jernigan had him to save
2173 the big tree for example, as Mrs. O'Bannon said. And I see where Parks & Recreation as well as
2174 the staff has recommended the eastern buffer. They are going to put that in. It seems like we've
2175 come a long way with what we had to work with.

2176

2177 Ms. Baker - And we never knew.

2178

2179 Mr. Jernigan - And I'll explain that to you. They don't send notices out because it is by
2180 right by the State Constitution that once the property is zoned you can file for a subdivision. So,
2181 it's not like a zoning case where you have to notify all of the adjacent owners.

2182

2183 Ms. Baker - And that's fine but we would just like to have a little input.

2184

2185 Mrs. O'Bannon - I will say that there was a case a little earlier where a gentleman, who is an
2186 adjacent property owner, who keeps getting notices for the POD but that was a part of the zoning
2187 request, but again this did not have to go through that zoning process. That was something that
2188 the Board mentioned last night to re-discuss possibilities of new shed and so on but again I point
2189 out that that would be with the rezoning case. That is what the Board was talking about last
2190 night. And, again, this isn't a zoning case. I've had cases, I'm going to say similar to this,
2191 where there was a business property plopped right in the middle of a residential neighborhood
2192 and it had been zoned in the 50's and there was nothing that could be done. So, I mean, this is
2193 what happens that's why zoning is so important when it's done. We have zoning in the County
2194 that, I'll say, is piecemealed in different places that, it's been 50's and this is in the 60's that you
2195 just have to, again, it's by right. The discussion last night by the Board was about the
2196 possibilities about changing this in the Comprehensive Plan and so on with the zoning cases.
2197 There was a brief discussion on that.

2198

2199 Ms. Baker - And I consideration to keep it in keeping with the area, that what is put in
2200 there is put in with the area, which is something our community as whole hasn't been advise of
2201 either of what they plan to build. We will hear now, I guess.

2202

2203 Mr. Jernigan - They advised Ms. Godwin and I in the meeting.

2204

2205 Ms. Baker - Okay. Well, I will turn in the petition that I have just to put it on record.

2206 Mr. Branin - Thank you, ma'am.

2207

2208 Mr. Jernigan - Thank you.

2209

2210 Ms. Lanning - Good morning. My name is Sherry Lanning and I live at 5904 Long
2211 Street in Marion Hill and I'm here representing the majority of Marion Hill and the majority of
2212 the neighbors and residents. As you see before you that we have a petition there. I would just
2213 like to make this clear that we do understand that this is not a zoning case and that we are here
2214 simply basically at the mercy of the developer, whom I assume is here today. We would just like
2215 to have a say as a community in working with the developer in deciding what is the best
2216 direction for this subdivision. It seems to me, Mr. Jernigan, that the developer and Ms. Godwin
2217 have basically been in contact with each other. However, we as a community have not had the
2218 benefit of that personal relationship with the developer and we are here basically today to request
2219 a deferral based on the fact that the developer of Ivy Hill subdivision has not resubmitted to us
2220 plans, basically, of what their intentions is with the property. In know way do we want there not
2221 to be any development, that is not our intention at all, we would just like to have basically some
2222 input as to what is being done and maybe just have that developer hear some of our concerns
2223 before the proceed with the groundbreaking.

2224

2225 I've lived up there on Marion Hill, my grandmother has for many years, and I'm 31 years old,
2226 I'm basically a child of Marion Hill, a child of the neighbors. A lot of the neighbors I call
2227 grandmother and grandpa, that's just the kind of community that we are. We are a very unified
2228 community. A community that basically loves one another and you don't find that too often.
2229 And we have no problem welcoming in new neighbors but we would like to have some say or
2230 some understanding between us and the developer as to what happens to that area because it is
2231 going to be an extension to our community and neighbors that we will take in as one of our own.
2232 Basically, it sounds to me, Mr. Jernigan, and I'm talking to you specifically because you are
2233 from the Varina District and sounds like you have been very instrumental in pushing this process
2234 along, but I would basically ask the developer if he speaks today if he would mind deferring
2235 slightly so that the community could get with him and just be reassured that he is working with
2236 us and in our best interest. That's what I would ask.

2237

2238 Mr. Jernigan - Thank you so much.

2239

2240 Mr. Branin - Would you like to hear from the applicant?

2241

2242 Mr. Jernigan - Would anybody else like to speak?

2243

2244 Mr. Edwards - Good morning. My name is Freddie Edwards and I'm a part of the
2245 development team for Ivy Hills Estates. I feel like I'm clubbing baby seals here this morning,
2246 breaking up families, tearing up areas and I certainly don't won't to do that. We build homes
2247 and subdivisions where people raise children and become grandmothers. I guess the integrity of
2248 the area would not have been compromised 60 or 70 years ago when the other homes were built
2249 in close proximity like they are. I think with R-3 zoning as opposed to R-4 zoning, it allows for
2250 a decent size lot that we can put a nice home on. The price of the property indicates once it's
2251 subdivided into the lots, sort of a minimum price that will be required to overcome the
2252 development costs and the price of those lots. From an architectural standpoint, I don't know if
2253 there is one particular style of architecture that's in Marion Hill, certainly there's the Talley
2254 House, the house at Edge Hill and several other houses down Greenview. There is also
2255 premanufactured houses, there are also bungalows, there are also brick ranchers and Capes. There
2256 are colonial styles, transitional styles and temporary styles. I feel like the style in Edge Hill will
2257 compliment the architecture that it adjoins. As far as deferring of the property, again, the "by-
2258 right" is one of the reasons the property appeals to us. The neighbors are at the mercy of the
2259 developer, but in this case, I have a lot of mercy and we don't intend to build ugly houses to keep
2260 people from buying them, we intend to enhance the situation, I think it is a benefit. The builder
2261 that I have in place is willing to forego standard, what they call builder code, or type of
2262 construction that maximizes profits. We currently ride through all of our subdivisions at JJH
2263 Corporation where I'm an associate broker and we are very proud of all of them. We have never
2264 built any that we wouldn't want any of these homeowners to drive through to give them an
2265 example of what we do, so I feel like a deferral would not benefit insomuch that, bottom line is, I
2266 can do whatever I want to do. Do I want to please the neighbors and have a good relationship?
2267 You bet. But a deferral is not going to change my mine nor I'm I going to grant architecture
2268 control to any of the adjacent property owners. Thank you.

2269

2270 Mrs. O'Bannon - Can you describe just briefly the kind of houses because the way I, and
2271 this is just an opinion, what we have done in the past is to request that they not be, I think it is
2272 called transitional housing with the pointed roofs and everything like you see....

2273

2274 Mr. Edwards - Like you see everywhere.

2275

2276 Mrs. O'Bannon - Right. That it would be more like a colonial style or something like that.
2277 Would that be more of your description? The ones that have the A roofs, three or four stack up
2278 together versus a kind of a standard colonial maybe.

2279

2280 Mr. Edwards - Sure. I mean, a standard colonial is our bread and butter. Consistency
2281 breeds appreciation and there is no transitional or contemporaries on Duke of Gloucester Street,
2282 but there are many, many colonials being built today that mirrors those top style houses and we
2283 would love to do that, actually it would be easier to do colonial style houses. It is much more
2284 difficult to do an antebellum style house because it's more wasted space because of porches.
2285 You've got additional cost for load bearing columns and more shallow Georgian-type roofs and
2286 that's a definitely expensive type of construction, but that's our intent to try to stay true to at
2287 least the Talley House and the Edge Hill House and then there are some other structures around
2288 there that we won't mirror. But, it's easy to say colonial, a five over four and a door has been

2289 our bread and butter since as long as I can remember, as long as I've been involved in it. But,
2290 we probably will spend a little more money architecturally because of some of the requirements
2291 that antebellum houses have and we are not going to have subteranean basements on flat lots but,
2292 you know, some Georgian roofs and possibly some capes with some different porches and things
2293 like that to the style of that area.

2294

2295 Mr. Jernigan - What will be the price ranges for the houses in there?

2296 Mr. Edwards - Somewhere between \$275,000.00 and \$325,000.00. A couple of the cul-
2297 de-sac lots are larger. They have larger building envelopes so they can have larger garages and
2298 larger footprints. They would be more expensive. The less expensive would be some of the
2299 smaller lots on the corners like up at New Osbourne because of the additional setbacks that we
2300 agreed to a few weeks ago at our meeting to give us more planting areas and things like that. So,
2301 that would be the range.

2302

2303 Mr. Vanarsdall - Detached garages or attached?

2304

2305 Mr. Edwards - I hope not, I hope they will be attached, if they have them. A lot of the
2306 lots won't have them. We will fill the spots up with house. We feel like, based on the other
2307 houses in that area, that garages aren't that big of a deal. We would rather have the square
2308 footage than have the garage.

2309

2310 Mr. Jernigan - Are you all right with the addition of conditions No. 17 and 18 that they
2311 added to the case about the landscape?

2312

2313 Mr. Edwards - Yes.

2314

2315 Mr. Jernigan - Okay.

2316

2317 Mr. Branin - Mr. Edwards, I know it's your legal right to do this case and we are
2318 listening to it, but is it possible for you to meet the community sometime soon and go over your
2319 layout?

2320

2321 Mr. Edwards - Sure.

2322

2323 Mr. Branin - To make them feel a little bit more comfortable.

2324

2325 Mr. Edwards - I have not been contacted anybody. I had been contacted by Ray Jernigan
2326 because of Ashley Goodwin and requested a meeting but I've had no adjacent homeowners to
2327 contact me. I've been out to that property a dozen times over the last 30 days and the fact that
2328 there was no notice, when we do zoning cases and when we are doing new construction, a lot of
2329 time there are notices sent out. I've been doing it for awhile. I've always found out that that the
2330 easiest thing to do. But in this particular situation, I haven't drawn the houses yet and we don't
2331 know what the elevations look lot, and we've got a preliminary plan for the subdivision, the by-
2332 right subdivision, that will not likely change based on any of the criteria for the meeting as far as

2333 structural but it certainly is advantageous for us to get along with the neighborhood and maybe
2334 submit several floor plans and elevations prior to the construction of the property.

2335

2336 Mr. Branin - Your project looks great, and it sounds like you are being very
2337 sympathetic by keeping that additional house on the property instead of demolishing it. If the
2338 people need to hear what you are doing and possibly see what you are doing and give you some
2339 input, it is always good to reach out to the community you are becoming a neighbor of.

2340

2341 Mr. Vanarsdall - Would you consider a different kind of house, as Mrs. O'Bannon was
2342 speaking of?

2343

2344 Mr. Edwards - What she's speaking of is basically our bread and butter. That's what we
2345 build anyway. I would be....

2346

2347 Mrs. O'Bannon - Do you want to tell them about where you have built houses?

2348

2349 Mr. Edwards - Our subdivisions and our houses, and we are involved with several
2350 different builders. JJH Corporation is a real estate development company. As a matter of fact,
2351 everybody involved with JJH still lives in Crown Grant including our senior member, Jack
2352 Hanky, which is where I live. Barrington, Bell Tower, Lake Lorraine, many, many subdivisions
2353 in south side on Old Gun Road outside of Cherokee Estates. We are a full-time development
2354 company, but like I said we have no projects that I wouldn't be proud to live in or to have any
2355 committee member or any member of Marion Hill, I would match house for house with anybody
2356 to say that we build a project.... even my townhouses, which I worked with Randy Silber on
2357 very closely, over off of Pemberton and Mayland, we put more brick than we needed to. We put
2358 more green area than we needed to. We added water features and we added one of the most
2359 extensive tree plantings I've seen in that area in a long time and it turned out to be a beautiful
2360 project for a townhouse project, in my opinion. But, all of our projects are that way and like I
2361 said I have a family, I moved into my house into a Jack Hanky subdivision to get close to the
2362 schools where I wanted to raise my kids and there have been a lot of kids raised in that
2363 subdivision since 1978.

2364

2365 We are not a track builder, we are not a code builder, we are not a subcode builder, I can name
2366 all of my subcontractors their wives and their kids. We are small and we can't afford to buy 2 and
2367 3 hundred acre parcels and do large projects like that, but we do have a lot of control when we
2368 do small ones like this. I've stood up here in front of this Board before, in front of the
2369 Supervisors before and I think I have lived up to my promises then and even though this may not
2370 be a promise because there will be a point in time where we will sell these lots to the guy who is
2371 going to build the house and he's going to build a style that's recommended by me because his
2372 office works closely with my office. But, architectural in type of windows and columns and
2373 doors and things like that, in this situation, we are under contract with this property because it is
2374 a by-right subdivision and we can do what we want to do but in this case we would like to please
2375 everybody on the Board, we would like for everybody to be able to come down from two years
2376 from now and drive through there and say "yes, it looks good" because I've got to come back
2377 here again I hope, soon.

2378

2379 Mrs. O'Bannon - And Crown Grant is a very nice looking subdivision. It's in my district.

2380

2381 Mr. Edwards - There are a lot of nice subdivisions in that area and like I said I don't work
2382 with JJH by happenstance, and I've known the family for a long time, 25 years and like I said it's
2383 a small company but if you can think of a project that we did that doesn't look good, I would like
2384 to know what it is.

2385

2386 Mr. Jernigan - Okay. Thank you.

2387 Ms. Baker - Well you sound like a reasonable man and we would definitely like to get
2388 to know him a little bit better before he does the establishment of those new subdivision. I
2389 would appreciate it if you could extend a little bit more time just to get to know your community
2390 and know the people that you are going to be affecting. I think that would be great. I think you
2391 are reasonable and you are doing everything you can to work with us and we appreciate that, but
2392 we don't really know what kind of person you really are yet, we haven't had a chance and we
2393 would like that.

2394

2395 Mr. Edwards - My wife's not here, right.

2396

2397 Mr. Vanarsdall - You sound like you are surprised that he's human.

2398

2399 Ms. Baker - Well, we would definitely like to get a chance to sit down with him before
2400 he proceeds.

2401

2402 Mr. Branin - Thank you, ma'am, and thank you, Mr. Edwards, for getting together with
2403 those people. Mr. Jernigan.

2404

2405 Mr. Jernigan - This has really been a long case and when Ashley first came to me with
2406 this we didn't know anything about this subdivision coming in next door and she was more or
2407 less more worried about the piece of property that was behind her.

2408

2409 Lady in Aud. - We are not representing Ashley Goodwin at all.

2410

2411 Mr. Jernigan - I know, but you are here because she has been calling you.

2412

2413 Lady in Aud. We are here because we have actually been made aware that this new
2414 subdivision that's going in, as a community, separate of Ashley Goodwin. We are here
2415 representing ourselves and our community, Marion Hill. I don't want to cloudy with Ashley
2416 because it sounds like there's been a battle between Ashley and the developer. It sounds like,
2417 you know, some battle there - and there's not with us.

2418

2419 Mr. Jernigan - Understood. I'm just giving the background. But, anyway, when this
2420 subdivision was coming in I told her about it, I had checked on it but this case had been filed
2421 maybe five days after I checked to see if anything was next door. As Mr. Strauss stated this is a
2422 subdivision case and it's guaranteed by law but I went out of my way to have a meeting with the

2423 developer and Ashley so that we could sit down and make everybody feel better about what was
2424 going to go on this property. After the meeting, I felt pretty good. She didn't feel as good as I
2425 did because being that the developer can come in and do anything he wants to, Freddie was
2426 willing to sit down and said I want to keep the Talley House, we want to renovate that. I like
2427 where this is. We want to use architectural that will enhance the neighborhood not hurt it. If he
2428 didn't take this property any other developer can come in and take this property and do whatever
2429 they want to. Now, Ashley called me Monday and wanted a deferral as y'all have requested.
2430 Normally, I would defer a case if I feel there's going to be some change in it, but at this point
2431 one of the things she wants change is that the lots go down to 7. He's not going to do that, and I
2432 wouldn't do that either. So, I've worked this case as hard as I can to get everybody calmed
2433 down but it is, and each year we come in here we are sworn in that we are going to follow the
2434 laws of the State of Virginia and Henrico County and that's what we are going to have to do
2435 today. Mr. Strauss I thank him for explaining what the law says because y'all probably don't
2436 come to many of these minutes and really doesn't know how it works. But, there is a lot of
2437 difference in a zoning case and a subdivision case. The zoning case is where you get all the
2438 perks and everything that you want, but a subdivision case is guaranteed by law and if I don't
2439 pass this I'm not doing the job I was sworn to do.

2440

2441 Also, I want to say to you that the law that protects him is also the same law that protects
2442 everybody in this room because you have property and maybe you won't sell it but your heir
2443 may sell it and they are guaranteed by the law that if, I don't know what your property is zoned
2444 now, some of it is probably architectural, some may be R-4 but you may have some large tracks
2445 of land down there four, five, six or ten acres that's zoned R-3 or R-4. If your heir decide they
2446 want to sell that property, nobody can come in and tell them that they can't. So, this works both
2447 ways, it protects you and it protects him.

2448

2449 Lady In Aud. - (Unintelligible) asking for is to meet with him. We weren't asking him to
2450 downgrade his property....

2451

2452 Mr. Vanarsdall - Ma'am, you will have to come down to the microphone if you want to say
2453 anything else because this is being recorded.

2454

2455 Ms. Baker? I'm sorry. We are not asking him to do anything special to his property.
2456 We would really like to know what he is going to do, as a community. I hate to keep bringing
2457 Ashley Goodwin up because this has nothing, these people back here I don't believe are in any
2458 way related to Ashley Goodwin or any of the things she has presented to you in the past. And,
2459 unfortunately, I wished I had known a little sooner about this because I would have personally
2460 welcomed in this room that showed up today to sit down with you and with Freddie and that's
2461 what we are really wishing that we can do just maybe you, outside of you, Mr. Jernigan, that we
2462 sit down with the developer and say "hey welcome to the community and could you tell us a
2463 little bit about what you are planning to do."

2464

2465 Mr. Jernigan - Well, you can still do that with him and he is willing to talk to you but I'm
2466 not going to defer a case to wait on that because I can't. And, by law, he doesn't have to talk to
2467 you. He is willing to talk to you and go over architectural that he wants to do. If other

2468 developers came in here and wanted to just go in there and put junk in there they could do it.
2469 The Code says your house has to be 900 square feet.

2470

2471 Ms. Baker? - I would like to think that he will listen to the community and some of their
2472 concerns. I don't think he's had the benefit of hearing from the community as much as Ashley.

2473

2474 Mr. Jernigan - Well, he's told me what he wants to do and I'm feeling pretty good with it
2475 and I think he will do what he says and it is not nice to lie to a Planning Commissioner because
2476 he wants to come back in do other things later. So, I'm thinking that he's going to sit down and
2477 will talk with the community, but he has a right to go in there and get rolling on these lots now.

2478

2479 Ms. Baker? - Sure. We would just like to maintain the historic integrity of our
2480 community.

2481

2482 Mr. Jernigan - And that's what he wants to do. Thank you so much.

2483

2484 Mr. Branin - Thank you, ma'am. Mr. Jernigan.

2485

2486 Mr. Jernigan - I think I've said everything I can say on this, but anyway, with that, I will
2487 move for approval of subdivision Ivy Hill (July 2006 Plan) subject to the standard conditions for
2488 subdivisions served by public utilities and the following additional conditions Nos. 12, 13
2489 revised, 14 through 16 and the addition of 17 and 18 on the addendum.

2490

2491 Mr. Vanarsdall - And I want to second that, but before I do I want to tell y'all that Mr.
2492 Jernigan has worked very hard and taken this to heart, and I've been sitting here for a number of
2493 years and I don't believe I've seen anyone get as much out of an unconditioned case and does as
2494 much for the community as he has tried to do with this case. So, with that, I second the case.

2495

2496 Mr. Branin - The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall.
2497 All in favor say aye...all opposed say nay. The motion passes.

2498

2499 The Planning Commission granted conditional approval to subdivision Ivy Hill (July 2006 Plan)
2500 subject to the standard conditions attached to these minutes for subdivisions served by public
2501 utilities, the annotations on the plans and the following additional conditions:

2502

2503 12. Each lot shall contain at least 11,000 square feet.

2504 13. The detailed plant list and specifications for the landscaping to be provided in the 10-
2505 foot-wide planting strip easement along the 30-foot-wide private road along the
2506 southern property line and along the eastern property line, and along New Osborne
2507 Turnpike shall be submitted to the Department of Planning for review and approval
2508 prior to recordation of the plat.

2509 14. Any necessary offsite drainage easements must be obtained prior to approval of the
2510 construction plan by the Department of Public Works.

2511 15. Any future building lot containing a BMP, sediment basin or trap and located within the
2512 buildable area for a principal structure or accessory structure, may be developed with

2513 engineered fill. All material shall be deposited and compacted in accordance with the
2514 Virginia Uniform Statewide Building Code and geotechnical guidelines established by a
2515 professional engineer. A detailed engineering report shall be submitted for the review
2516 and approval by the Building Official prior to the issuance of a building permit on the
2517 affected lot. A copy of the report and recommendations shall be furnished to the
2518 Directors of Planning and Public Works.
2519 16. Except for junction boxes, meters, and existing overhead utility lines, and for technical
2520 or environmental reasons, all utility lines shall be underground.
2521 17. The developer of Ivy Hill shall use his best effort to save the large existing beech tree
2522 located along the eastern property line with the Edgehill property. A tree protection
2523 plan shall be submitted for the lots adjacent to Edgehill with the construction plans and
2524 individual house grading plans.
2525 18. The planting strip along the eastern property line with Edgehill may be eliminated if an
2526 alternative method for providing a buffer to the Edgehill property is approved by the
2527 Director of Planning, prior to final approval of the plat.
2528

2529 **PLAN OF DEVELOPMENT, SPECIAL EXCEPTION & TRANSITIONAL BUFFER**
2530 **DEVIATION**

2531

POD-51-06
Bethlehem Road Office
Building – Bethlehem Road
and I-64

Engineering Design Associates for Wilton Real Estate & Development Company: Request for approval of a plan of development, special exception and a transitional buffer deviation as required by Chapter 24, Sections 24-106, 24-106.2 and 24-94(b) of the Henrico County Code, to construct a four-story, ~~13,192~~ **10,250** square foot office building. The special exception would authorize a building exceeding three stories in height. The 2.47-acre site is located at 6500 Old Bethlehem Road on parcel 770-745-1768. The zoning is O-2C, Office District (Conditional) and C-1, Conservation District. County water and sewer. **(Brookland)**

2532

2533 Mr. Branin - Is there anyone in the audience in opposition to POD-51-06, Bethlehem
2534 Road Office Building, in the Brookland District? No opposition. Mr. Greulich.

2535

2536 Mr. Greulich - Mr. Chairman, Planning Commission members, the applicant, Wilton Real
2537 Estate & Development Company is proposing a plan to construct a four story office building
2538 totaling approximately 10,250 square feet. This proposed building is a revision to a two-story
2539 office building that was approved and is under construction on the same site. The proffers
2540 governing this site were recently amended to allow the construction of this four story building.

2541

2542 Staff has received a revised layout, elevations and floor plans as requested that address the
2543 outstanding comments from Planning, including the parking requirements. This plan of
2544 development includes a request for a special exception for a building exceeding three stories to
2545 allow construction of the four-story building. As is normal procedure, it is the applicant's
2546 responsibility to present evidence to the Commission to support the request.

2547

2548 Staff can recommend approval of the proposed plan, subject to the Planning Commission
2549 granting the Special Exception for height, subject to the annotations on the plan, the standard
2550 conditions for developments of this type and additional conditions 24 through 34.

2551

2552 Representatives of the applicant are here to present their case for the special exception and staff
2553 is available to answer any questions you may have. Thank you.

2554

2555 Mr. Branin - Do any of the Planning Commissioners have any questions at this time?

2556

2557 Mr. Vanarsdall - No. We have already talked several times. I don't have any questions but
2558 I would like to hear from the applicant. Thank you for your help, Tony.

2559

2560 Mr. Branin - Would the applicant come down please.

2561

2562 Ms. Vernon - I've been dying to show you this overhead ever since I went to the
2563 Planning Commission/Board of Supervisors to get the exception for the height.

2564

2565 Mr. Silber - Would you tell us who are please?

2566

2567 Ms. Vernon - My name is Sandra Vernon and I'm here representing Wilton
2568 Development.

2569

2570 Mr. Silber - Thank you.

2571

2572 Ms. Vernon - And the reason for the increase in height is to accommodate parking
2573 underneath the building. Surface parking surrounding the building is very limited due to the
2574 environmental conditions associated with the site. The closest resident to the site lives on
2575 Copeland Road. The office building is more than 400 feet from the residents on Copeland Road
2576 and it is heavily buffered as shown on the picture of the site. The office site is surrounded by
2577 trees that are about 75 feet in height. So, basically, an exception is to allow for additional
2578 parking under the building even though it four stories it's just three stories of office building, and
2579 that is a buffer (pointing at the screen). Okay. Are there any questions?

2580

2581 Mr. Vanarsdall - We had this not long ago, some amendment changes, just a couple of
2582 them, and this is another improvement because they reduced the square footage, as she said. It
2583 was 13,192 and they reduced it down to 10,250. I believe and that makes fewer vehicles in there
2584 and it's up against I-64 back in the woods. They did a good job (unintelligible) it, so if there are
2585 no more questions, I'll make a motion.

2586

2587 Mr. Silber - Mr. Vanarsdall, I have a questions and I guess it's just a point for
2588 clarification, but the agenda still says 13,192... I'm sorry.

2589

2590 Ms. Vernon - (Unintelligible – speaking from seat).

2591

2592 Mr. Silber - What is the square footage at this time?
2593

2594 Mr. Greulich - Mr. Secretary, when the application came in, it stated that the square
2595 footage was 13,192. Since then, with discussions with the applicant, it has been revised to
2596 10,250.
2597

2598 Mr. Silber - So, it's 10,250?
2599

2600 Mr. Greulich - Yes.
2601

2602 Mr. Silber - So, the addendum caption is not right?
2603

2604 Mr. Greulich - No, it isn't.
2605

2606 Mr. Silber - So the square footage of the office building is 10,250?
2607

2608 Mr. Greulich - Yes, sir.
2609

2610 Mr. Silber - I just wanted to clarify that because I knew there were some issues with
2611 adequate parking and I just wanted to make sure we knew what square footage the Commission
2612 is approving.
2613

2614 Mr. Vanarsdall - Good. Thank you. Are you ready for a motion, Mr. Chairman?
2615

2616 Mr. Branin - There are no other questions? Okay.
2617

2618 Mr. Vanarsdall - I move that the transitional buffer be approved.
2619

2620 Mr. Jernigan - Second.
2621

2622 Mr. Branin - The motion was made by Mr. Vanarsdall and seconded by Mr. Jernigan.
2623 All in favor say aye...all opposed say nay. The motion passes.
2624

2625 Mr. Vanarsdall - Then I move that the special exception be approved.
2626

2627 Mr. Jernigan - Second.
2628

2629 Mr. Branin - The motion was made by Mr. Vanarsdall and seconded by Mr. Jernigan.
2630 All in favor say aye...all opposed say nay. The motion passes.
2631

2632 Mr. Vanarsdall - Now for the motion on the POD. I move POD-51-06 be approved with
2633 the annotations on the plans, the standard conditions for developments of this type and then we
2634 have additional conditions Nos. 24 through 34 and the square footage is now reduced to 10,250
2635 square feet.
2636

2637 Mr. Jernigan - Second.

2638

2639 Mr. Branin - The motion was made by Mr. Vanarsdall and seconded by Mr. Jernigan.

2640 All in favor say aye...all opposed say nay. The motion passes. The three motions are approved.

2641

2642 The Planning Commission approved POD-51-06, Bethlehem Road Office Building, subject to
2643 the standard conditions attached to these minutes for developments of this type, the annotations
2644 on the plans and the following additional conditions:

2645 24. The easements for drainage and utilities as shown on approved plans shall be granted to
2646 the County in a form acceptable to the County Attorney prior to any occupancy permits
2647 being issued. The easement plats and any other required information shall be submitted
2648 to the County Real Property Agent at least sixty (60) days prior to requesting
2649 occupancy permits.

2650 25. The limits and elevations of the 100-year frequency flood shall be conspicuously noted
2651 on the plan "Limits of 100 Year Floodplain." In addition, the delineated 100-year
2652 floodplain must be labeled "Variable Width Drainage and Utility Easement." The
2653 easement shall be granted to the County prior to the issuance of any occupancy
2654 permits.26.

2655 26. The developer shall provide fire hydrants as required by the Department of Public
2656 Utilities and Division of Fire.

2657 27. The proffers approved as a part of zoning case C-32C-06 shall be incorporated in this
2658 approval.

2659 28. All exterior lighting fixtures shall be designed and arranged so the source of light is not
2660 visible from the roadways or adjacent residential properties. The lighting shall be low
2661 intensity, residential in character, and the height or standards shall not exceed 15 feet.

2662 29. Any necessary off-site drainage and/or water and sewer easements must be obtained in
2663 a form acceptable to the County Attorney prior to final approval of the construction
2664 plans.

2665 30. Deviations from County standards for pavement, curb or curb and gutter design shall be
2666 approved by the County Engineer prior to final approval of the construction plans by the
2667 Department of Public Works.

2668 31. Insurance Services Office (ISO) calculations must be included with the plans and
2669 contracts and must be approved by the Department of Public Utilities prior to the
2670 issuance of a building permit.

2671 32. Approval of the construction plans by the Department of Public Works does not establish
2672 the curb and gutter elevations along the Henrico County maintained right-of-way. The
2673 elevations will be set by Henrico County.

2674 33. The location of all existing and proposed utility and mechanical equipment (including
2675 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)
2676 shall be identified on the landscape plans. All equipment shall be screened by such
2677 measures as determined appropriate by the Director of Planning or the Planning
2678 Commission at the time of plan approval.

2679 34. Except for junction boxes, meters, and existing overhead utility lines, and for technical
2680 or environmental reasons, all utility lines shall be underground.

2681 **RECONSIDERATION PLAN OF DEVELOPMENT & SPECIAL EXCEPTION**

2682

POD-40-06
Towns @ Fair Oaks –
N. Airport and E. Nine Mile
Road (Formerly POD-15-72)

Site Improvement Associates, Inc. for Airport Drive Associates: Request for reconsideration of a plan of development and approval of a special exception, as required by Chapter 24, Sections 24-2, 24-94(b) and 24-106 of the Henrico County Code. The original plan authorized demolition of 100 existing apartment units and construction of 15, two-story, buildings containing 104 condominium units. The revised plan with the special exception would authorize buildings exceeding 2 ½ stories in height to allow three-story buildings. The 8.00-acre site is located on the south line of N. Airport Drive east of Nine Mile Road at 400 N. Airport Drive on parcel 825-721-8368. The zoning is R-5, General Residence District and ASO, Airport Safety Overlay District. County water and sewer. (**Varina**)

2683

2684 Mr. Branin - Is there anyone in the audience in opposition to POD-40-06, Towns @
2685 Fair Oaks, in the Varina District? No opposition. Mr. Kennedy.

2686

2687 Mr. Kennedy - The applicant has requested reconsideration of a POD previously
2688 approved at the last meeting. When it was approved at the last meeting the Commission
2689 authorized 104 two-story condominium units. The townhouse style units would be 1,280 square
2690 feet, two-stories. Mr. Jernigan requested the applicant to consider constructing three-story units.
2691 This authorizes the applicant to offer three-story units as an option and increase the size of the
2692 units concurrently. Staff has no opposition to the request due to redevelopment of the site and
2693 since it offers more appropriate sized housing for the area. Should the Commission approve the
2694 special exception, staff is recommending the typical two conditions Nos. 40 and 41. Condition
2695 No. 40 requires any building with three stories have fire sprinkler systems and No. 41 requires
2696 high-quality roofs where the roofs are three stories. The applicant is here to make a case if you
2697 have no other questions.

2698

2699 Mr. Branin - Do the Commissioners have any other questions for Mr. Kennedy?

2700

2701 Mr. Jernigan - I don't have any.

2702

2703 Mr. Vanarsdall - Was there any opposition to this case, Mr. Chairman?

2704

2705 Mr. Branin - No, sir. Unless you've got opposition.

2706

2707 Mr. Jernigan - Not unless you've got a ghost out there.

2708

2709 Mr. Branin - I asked.

2710 Mr. Jernigan - You did. What happened on this, I just asked them to increase the square
2711 footage on this project and that's exactly what they did, so I'm okay with everything.

2712

2713 Mr. Branin - Would you like to hear from the applicant or are you good with it?

2714

2715 Mr. Jernigan - I don't need to hear from the applicant, I'm okay.

2716

2717 Mrs. Jones - Excuse me, but the density will not change?

2718

2719 Mr. Jernigan - It's the same amount of units, they just went up and finished the third
2720 floor. All right, with that, I will move for approval of POD-40-06, it is a reconsideration. I want
2721 to put in that motion that it will be a special exception to exceed two and a half stories on POD-
2722 40-06, subject to the annotations on the plans, subject to the approval of the original conditions
2723 of POD-40-06, which is 24 through 39 and additional conditions Nos. 40 and 41.

2724

2725 Mr. Vanarsdall - Second.

2726

2727 Mr. Branin - The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall.

2728 All in favor say aye...all opposed say nay. The motion passes.

2729

2730 The Planning Commission approved POD-40-06 Reconsideration – Towns @ Fair Oaks
2731 (Formerly POD-15-72) subject to the standard conditions attached to these minutes for
2732 developments of this type, the annotations on the plans and the following additional conditions:

2733

2734 24. The right-of-way for widening of Airport Drive as shown on approved plans shall be
2735 dedicated to the County prior to any occupancy permits being issued. The right-of-way
2736 dedication plat and any other required information shall be submitted to the County Real
2737 Property Agent at least sixty (60) days prior to requesting occupancy permits.

2738 25. The easements for drainage and utilities as shown on approved plans shall be granted to
2739 the County in a form acceptable to the County Attorney prior to any occupancy permits
2740 being issued. The easement plats and any other required information shall be submitted
2741 to the County Real Property Agent at least sixty (60) days prior to requesting
2742 occupancy permits.

2743 26. The limits and elevations of the 100-year frequency flood shall be conspicuously noted
2744 on the plan "Limits of 100 Year Floodplain." In addition, the delineated 100-year
2745 floodplain must be labeled "Variable Width Drainage and Utility Easement." The
2746 easement shall be granted to the County prior to the issuance of any occupancy permits.

2747 27. The entrances and drainage facilities on Airport Drive shall be approved by the Virginia
2748 Department of Transportation and the County.

2749 28. A notice of completion form, certifying that the requirements of the Virginia
2750 Department of Transportation entrances permit have been completed, shall be submitted
2751 to the Department of Planning prior to any occupancy permits being issued.

2752 29. The required building setback shall be measured from the proposed right-of-way line
2753 and the parking shall be located behind the proposed right-of-way line.

2754 30. The developer shall provide fire hydrants as required by the Department of Public

- 2755 Utilities and Division of Fire.
- 2756 31. Prior to issuance of a certificate of occupancy for any building in this development, the
2757 engineer of record shall certify that the site has been graded in accordance with the
2758 approved grading plans.
- 2759 32. A standard concrete sidewalk shall be provided along the south side of Airport Drive.
- 2760 33. Deviations from County standards for pavement, curb or curb and gutter design shall be
2761 approved by the County Engineer prior to final approval of the construction plans by
2762 the Department of Public Works.
- 2763 34. The pavement shall be of an SM-2A type and shall be constructed in accordance with
2764 County standard and specifications. The developer shall post a defect bond for all
2765 pavement with the Department of Planning - the exact type, amount and implementation
2766 shall be determined by the Director of Planning, to protect the interest of the members
2767 of the Homeowners Association. The bond shall become effective as of the date that
2768 the Homeowners Association assumes responsibility for the common areas. Prior to the
2769 issuance of the last Certificate of Occupancy, a professional engineer must certify that
2770 the roads have been designed and constructed in accordance with County standards.
- 2771 35. Insurance Services Office (ISO) calculations must be included with the plans and
2772 contracts and must be approved by the Department of Public Utilities prior to the
2773 issuance of a building permit.
- 2774 36. Approval of the construction plans by the Department of Public Works does not
2775 establish the curb and gutter elevations along the Virginia Department of Transportation
2776 maintained right-of-way. The elevations will be set by the contractor and approved by
2777 the Virginia Department of Transportation.
- 2778 37. The location of all existing and proposed utility and mechanical equipment (including
2779 HVAC units, electric meters, junction and accessory boxes, transformers, and
2780 generators) shall be identified on the landscape plans. All equipment shall be screened
2781 by such measures as determined appropriate by the Director of Planning or the
2782 Planning Commission at the time of plan approval.
- 2783 38. A note in bold lettering shall be provided on the erosion control plan indicating that
2784 sediment basins or traps located within buildable areas or building pads shall be
2785 reclaimed with engineered fill. All materials shall be deposited and compacted in
2786 accordance with the applicable sections of the state building code and geotechnical
2787 guidelines established by the engineer. An engineer's report certifying the suitability of
2788 the fill materials and its compaction shall be submitted for review and approval by the
2789 Director of Planning and Director of Public Works and the Building Official prior to
2790 the issuance of any building permit(s) on the affected sites.
- 2791 39. Except for junction boxes, meters, and existing overhead utility lines, and for technical
2792 or environmental reasons, all utility lines shall be underground.
- 2793 40. All residential buildings in excess of 2 ½ stories shall have fire sprinkler systems in
2794 accordance with the requirements of the Fire Marshall.
- 2795 41. All residential building roofs shall be finished with shingles having a 50-year and 110-
2796 MPH warranty.

2797 Mr. Silber - Next on the agenda is consideration of your 2007 Calendar. This is the
2798 Planning Commission's meeting calendar for Rezoning meetings and Subdivisions and Plans of
2799 Development meetings with their respective filing deadlines.

2800

2801 **APPROVAL OF THE 2007 CALENDAR: Planning Commission Meeting Calendars for**
2802 **Rezoning Meetings and Subdivision/Plans of Development Meetings**

2803

2804 Mr. Silber - I will bring to your attention that once again it's showing no meeting for
2805 August of 2007 on the Plan of Development side.

2806

2807 Mr. Branin - Mr. Secretary, can I ask a question? How come, and I think that it is great
2808 that POD's get that month off to catch up and catch their breath and so forth, but why don't we
2809 let Rezoning do it?

2810

2811 Mr. Silber - Well, let me respond this way...

2812

2813 Mr. Vanarsdall - I wish Chris was here because he has threatened to get the other side of
2814 the aisle....

2815

2816 Mr. Branin - The reason I'm asking is Chris, knowing that he wasn't going to be here,
2817 asked me to ask that question.

2818

2819 Mr. Silber - Well, Mr. Branin, from our perspective, from the County's Administrative
2820 perspective, we feel like we are here and should be here for the 12 meetings on the Rezoning
2821 side and the 12 meetings on the Plan of Development side. Development keeps on coming. In
2822 fact, this one meeting that is missed in August often causes us challenges in trying to handle
2823 deferrals and other matters that come forward. I personally prefer that we not cancel meetings.
2824 Staff is here to provide the services we need to provide. That meeting has been cancelled for the
2825 benefit of the Planning Commission to take some time for summer vacation. I have voiced my
2826 concern in the past about even eliminating one Planning Commission meeting and I would have
2827 more concern with missing a second. The Rezoning side is having to do 12 meetings and the
2828 POD side is doing 11. I would prefer that we not cut it to 11 and 11.

2829

2830 Mr. Branin - Just curious. I believe in, you know, equality and all of that.

2831

2832 Mrs. Jones - But, the question remains, should we have 11 and 12 or should we have 12
2833 and 12?

2834

2835 Mr. Branin - Well, I'm not even going to touch that because those POD people will kill
2836 us.

2837

2838 Mr. Silber - No, I don't think they will.

2839

2840 Mrs. Jones - A fair question to raise, Mr. Branin.

2841

2842 Mr. Vanarsdall - Mr. Chairman, that may not be the final thing on the other side but for the
2843 time being we don't want to vote on it (unintelligible). I like the fact that you put the APA date
2844 on this, this time, that's good, and it doesn't conflict with any of the dates.

2845

2846 Mr. Silber - Yes, sir. We tried to avoid that.

2847

2848 Mr. Vanarsdall - It's on the 14th and we are supposed to leave on 13th. But I have two
2849 changes, I always have. Over on the Rezoning side, I would like to see, I'm just suggesting this,
2850 suggesting to move the December 13 back to December 6. For this year, 2006, we did that and
2851 it's on the 7th instead of the 14th. Then over on the POD side I would like to move the December
2852 meeting back from the 19th to the 12th. We also did that in 2006. Thanksgiving doesn't have a
2853 conflict so I would like to see us do that. We did that in 2006, 2005, 2004, 2003, 2002, 2001,
2854 1999, 1998, 1997 as far back as you want to go.

2855

2856 Mr. Jernigan - How about 1946?

2857

2858 Mr. Vanarsdall - So, what do y'all think? We haven't had any conflicts so far, at least staff
2859 has never complained about it, and it gives us more time off for Christmas and we don't have to
2860 be meeting up until Christmas.

2861

2862 Mr. Silber - I don't have the 2007 calendar, unless staff does. Christmas is on
2863 December 25.

2864

2865 Mr. Jernigan - This year.

2866

2867 Mrs. Jones - As always.

2868

2869 Mr. Silber - We do know that, so, Mr. Vanarsdall, the POD meeting on December 19
2870 is still that week before Christmas. Your point is that it gives you more of a break. So, yes,
2871 Christmas falls on a Tuesday in 2007 and the Planning Commission POD meeting, that staff is
2872 recommending, is the Wednesday before so that will be six days before Christmas.

2873

2874 Mr. Vanarsdall - I don't see where there will be any problem because it is the same as this
2875 year, and we didn't have any problems, well not yet, and we didn't have any problems last year
2876 either.

2877

2878 Mr. Silber - Right. You need to do what you need to do. The staff would prefer that it
2879 stay December 13 and 19 but if the Commission prefers to scoot them we will adjust them. We
2880 will do the best we can to bring that forth.

2881

2882 Mr. Vanarsdall - I don't understand that, Randy, because we haven't had a problem since
2883 I've been on this Commission and I don't know why we would have it in 2007.

2884

2885 Mr. Silber - I understand. We have changed it for a couple of years, but we haven't
2886 done this many years. I think for the last year or two we have adjusted it.

2887 Mr. Vanarsdall - No, we have done it quite a few times.
2888
2889 Mr. Silber - Well, we can go back and check that.
2890
2891 Mr. Vanarsdall - Well, anyway, I would like to make a motion that we do that, and if it
2892 doesn't go through then I can't help it.
2893
2894 Mr. Silber - Okay.
2895
2896 Mr. Vanarsdall - Do I get a second?
2897
2898 Mrs. O'Bannon - Wait, wait, wait. I have a question. It says that the meeting for the zoning
2899 date is November 15 and then the meeting date for the plan of developments is November 14?
2900
2901 Mr. Silber - That's because the....
2902
2903 Mrs. O'Bannon - Wednesday and then Thursday right together like that in November?
2904
2905 Mr. Silber - Thanksgiving falls on, 2007....
2906
2907 Mr. Jernigan - I'll second Mr. Vanarsdall's motion.
2908
2909 Mr. Silber - Before we make a motion on that, let me answer Mrs. O'Bannon's
2910 question. Ms. News, the 14th and 15th of November....
2911
2912 Ms. News - Normally, that's moved up because of Thanksgiving.
2913
2914 Mr. Silber - Right. In 2006 did we have...
2915
2916 Ms. News - We had to move it up because of Thanksgiving.
2917
2918 Mr. Silber - So those back to back meetings is that what we did before?
2919
2920 Ms. News - I do have that schedule, I can check.
2921
2922 Mr. Jernigan - Now what was that, now?
2923
2924 Mr. Silber - If you look at your 2007 calendar you have your POD meeting on
2925 November 14 during the day and the next night you will have your Rezoning hearing.
2926
2927 Mr. Branin - I recommend that you defer all of it.
2928
2929 Mr. Silber - I'm not aware that we have had back to back meetings, consecutive days,
2930 but....
2931

2932 Mr. Jernigan - We have a POD on the 14th and the Rezoning on the 15th?
2933

2934 Mrs. O'Bannon - Wednesday morning that day and the next day, Thursday night.
2935

2936 Mr. Silber - That's a lot of cases for....
2937

2938 Mrs. O'Bannon - For the staff I would assume.
2939

2940 Mr. Silber - Well it's two different staffs for some of us.
2941

2942 Mr. Jernigan - What are we doing this year?
2943

2944 Mr. Silber - This week the meetings are a week apart, it's November 9 and November
2945 15.
2946

2947 Mrs. O'Bannon - We could do the same thing for next year, the 8th and the 14th, right?
2948

2949 Mr. Branin - If it presents a conflict and that's a problem, we could take Rezoning out
2950 that month and we would be good to go.
2951

2952 Mr. Vanarsdall - I have a motion on the floor, what are we going to do with it?
2953

2954 Mr. Silber - Ms. News, Thanksgiving is on what day in 2007?
2955

2956 Mr. Jernigan - They haven't decided what to do with it.
2957

2958 Ms. News - Let me look at the 2007 Calendar (a pause while Ms. News searches the
2959 calendar).
2960

2961 Mr. Silber - Ms. News, I'm assuming that if you adjusted your meeting then I'm
2962 assuming Thanksgiving is on November 22, right? So, Mr. Vanarsdall, I'm assuming that staff
2963 moved the November POD meeting from the 21st of November to the 14th because Thanksgiving
2964 falls on the 22nd so we moved that one week earlier. My concern is, and I'm just telling you my
2965 concern because you all asked me what the staff feels and I'm telling you my views and you can
2966 do what you want. I have concerns with having a Planning Commission meeting back to back
2967 one day and the next day.
2968

2969 Mr. Vanarsdall - Oh, you are talking about November?
2970

2971 Mr. Silber - Yes.
2972

2973 Mr. Vanarsdall - Oh, I do too. I didn't say anything about that....
2974

2975 Mr. Silber - In addition to that, we have a Board meeting on the 13th. So, I will have a
2976 Board meeting on the 13, the Planning Commission meeting on the 14th and a Planning

2977 Commission meeting on 15th. If I am still alive at the end of the 15th, I'll try to handle
2978 December's agenda.

2979

2980 Mr. Jernigan - Well, what do you want to do about November?

2981

2982 Mr. Silber - I don't think they should be back to back.

2983

2984 Mrs. O'Bannon - Push the Rezoning meeting back one week.

2985

2986 Mr. Vanarsdall - All right, let's change that then.

2987

2988 Ms. News - This is the calendar for November.

2989

2990 Mr. Vanarsdall - So give me the dates you would like to have it in November and we will
2991 incorporate it into the motion with December.

2992

2993 Mr. Jernigan - So, that would be November the 8th.

2994

2995 Mr. Vanarsdall - November 8 for Rezoning and November 14 for the POD, right?

2996

2997 Mr. Silber - I would prefer that.

2998

2999 Mr. Branin - That works great for me. See how easy we are to get along with.

3000

3001 Mr. Vanarsdall - Why didn't you say so, Randy, we don't mind doing that. Do you want
3002 me to restate my motion?

3003

3004 Mr. Jernigan - November 8 and 14. November 8 for Rezoning and November 14 for
3005 POD and then we will have December 6 for Rezoning and December 12 for POD.

3006

3007 Mr. Vanarsdall - Correct.

3008

3009 Mr. Jernigan - It sounds like a plan to me.

3010

3011 Mr. Branin - All right, let's make a new motion.

3012

3013 Mr. Vanarsdall - Do I second yours or you second mine? Oh, you seconded mine, okay.
3014 Now it is up to the Chairman to finally bring it to a close.

3015

3016 Mr. Jernigan - We didn't make a motion on November. Why don't you make a motion
3017 on November?

3018 Mr. Vanarsdall - I move that we change the 2007 Planning Commission Meeting Schedule
3019 as follows: We move the Rezoning side from November 15 to November 8, the POD side we
3020 will leave it as November 14 and for December we move December 13 to December 6 and over
3021 on POD we move from December 19 back to December 12.

3022

3023 Mr. Jernigan - I second that motion.

3024

3025 Mr. Branin - The motion was made by Mr. Vanarsdall and seconded by Mr. Jernigan.
3026 All in favor say aye...all opposed say nay. The motion passes.

3027

3028 Mrs. Jones - Mr. Chairman, I don't mean to drag this out but I need to make a comment
3029 because I want to make sure that I express this. In just the year or so I've been involved here,
3030 actually, these four columns of dates are obviously extremely important for the structure of the
3031 Planning year. In my calendar for 2007 I'm going to have two other dates each month and those
3032 are the dates where it is considered the deadline before time limits have to be waived on cases.
3033 And, I honestly feel, with the huge projects coming through this Department, that anything we
3034 can do, as Commissioners, to make sure that we are not running these things up to the last
3035 minute, that time limits for proffers and revised plans and this kind of thing ought to be enforced,
3036 just as application deadlines and as meeting dates. That's something that I hope the Commission
3037 will make a commitment to be ever more vigilant in trying to get these things worked out on that
3038 kind of time....

3039

3040 Mr. Jernigan - We extended the cut-off date...We extended the time that they had to put
3041 it in for staff to look at it last year.

3042

3043 Mr. Vanarsdall - We have worked on this time after time after time and what happens is we
3044 make one exception and then we make another exception and all of a sudden.... I have seen
3045 times where every case called there was somebody laying something down over your shoulder.

3046

3047 Mr. Branin - That's about every meeting.

3048

3049 Mr. Vanarsdall - But, I will say this. It is up to us. I do it, when I find out that they can't
3050 get something from somebody, I call either the attorney, the engineer, the applicant and ask them
3051 what is the reason we can't get what we need, if they want it approved. I don't say it in an ugly
3052 way, I say it in a nice way, and we have the right to do that.

3053

3054 Mrs. Jones - I do it as well, I'm guilty, but I'm trying to renew my commitment. And,
3055 the problem isn't that the packets doesn't come out to us, we get them in a lot of time before the
3056 meeting which is wonderful for our purpose, but we are always dealing with revised plans up
3057 here at the podium and I can't read that fast. So, it's difficult. Any hints and tips as we go
3058 through this to make this process smoother, I think we all ought to make sure we discuss and try
3059 to make it as timely as we can.

3060

3061 Mr. Vanarsdall - When we have people like Andy Condlin, who will drag his feet (joking).

3062

3063 Mr. Jernigan - Don't mention any names.
3064
3065 Mr. Vanarsdall - I'm sorry, I didn't see you seating back there on the back row, Andy.
3066
3067 Mr. Branin - All right. Is that it, Mr. Secretary?
3068
3069 Mr. Silber - Next would be consideration of the minutes.
3070
3071 **APPROVAL OF MINUTES: Rezoning May 11, 2006 Minutes and POD/Subdivision June**
3072 **28, 2006 Minutes**
3073
3074 Mrs. Jones - I have one change. Line 1940.
3075
3076 Mrs. O'Bannon - Which set of minutes are you referring to?
3077
3078 Mrs. Jones - Oh, I'm sorry. These are the minutes of the Wednesday, June 28 Planning
3079 Commission meeting. That's all that I have. Is there a second set in here?
3080
3081 Mr. Silber - The Rezoning May 11 minutes.
3082
3083 Mrs. Jones - Oh, I think I missed that. Line 1940 on page 51 of the draft. Basically,
3084 the sentence says, ...it took two years to collect it, to ~~fit~~ **fix** something like this. So, instead of
3085 "fit" it should be "fix." That's all I have.
3086
3087 Mr. Silber - Thank you very much. Are there any other changes to the June 28
3088 minutes?
3089
3090 Mr. Vanarsdall - I want to congratulate Tommy on a good job he did today.
3091
3092 Mr. Branin - Thanks everybody for dealing with me.
3093
3094 Mr. Silber - Are there any changes to the June 28 minutes.
3095
3096 Mrs. Jones - I emailed mine.
3097
3098 Mr. Branin - Do we have a motion for approval of the June 28 minutes?
3099
3100 Mrs. Jones - I so move.
3101
3102 Mr. Jernigan - Second.
3103
3104 Mr. Branin - The motion was made by Mrs. Jones and seconded by Mr. Jernigan to
3105 approve the June 28, 2006 minutes. All in favor say aye...all opposed say nay. The motion
3106 passes.
3107

3108 Mr. Silber - Now, the Rezoning minutes for May 11, 2006.
3109
3110 Mrs. Jones - On page 1, I just realized on line 30 and 31, I believe that Mr. Olympia
3111 Neale's last name begins with an "M" not an "N."
3112
3113 Mr. Branin - Is that it?
3114
3115 Mrs. Jones - Yes.
3116
3117 Mr. Branin - Is there anyone else? Is there a motion?
3118
3119 Mr. Jernigan - I make a motion to approve the minutes.
3120
3121 Mrs. Jones - Second.
3122
3123 Mr. Branin - The motion was made by Mr. Jernigan and seconded by Mrs. Jones to
3124 approve the Rezoning May 11, 2006 minutes. All in favor say aye...all opposed say nay. The
3125 motion passes.
3126
3127 The Planning Commission approved the minutes for the June 28, 2006 and May 11, 2006 as
3128 corrected.
3129
3130 Mr. Silber - Now a motion to adjourn.
3131
3132 Mr. Branin - Motion to adjourn.
3133
3134 Mrs. Jones - So moved.
3135
3136 Mr. Branin - Second.
3137
3138 On a motion by Mrs. Jones and seconded by Mr. Branin, the Planning Commission adjourned its
3139 July 26, 2006 meeting at 11:45 a.m.
3140
3141
3142
3143
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3149
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3151

Tommy Branin, Vice-Chairperson

Randall R. Silber, Secretary